

Compiler's Note

The Journal of the House of Representatives regular session of 2006 is bound in three separate volumes. The large number of pages made it impractical to bind into one volume.

Volume I contains January 9, 2006 through March 6, 2006. Volume II contains March 8, 2006 through March 23, 2006. Volume III contains March 24, 2006 through March 30, 2006 and the complete index.

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF GEORGIA

AT

THE REGULAR SESSION

Commenced at Atlanta, Monday, January 9, 2006
and adjourned Thursday, March 30, 2006

VOLUME III



2006

Atlanta, Ga.



Printed on Recycled Paper

Representative Hall, Atlanta, Georgia**Friday, March 24, 2006**

The House met pursuant to adjournment at 9:00 o'clock, A.M., this day and was called to order by the Speaker.

The roll was called and the following Representatives answered to their names:

Abdul-Salaam	Dickson	Houston	May	Scott, M
Ashe	Dodson	Hugley	McCall	Setzler
Barnard	E Dollar	Jacobs	Millar	Sims, F
Bearden	England	James	Mills	Sinkfield
Benton	Everson	Jamieson	Morris	Smith, B
Bridges	Floyd, J	Jenkins	Mosley	Smith, L
Brooks	Forster	Jennings	Mumford	Smith, P
Bryant	Franklin	Johnson	Murphy, J	Smith, R
Buckner, D	Freeman	Keen	Neal	Smith, V
Burns	Gardner	Keown	O'Neal	Stephens
E Butler	Graves, D	Knight	Parham	Stephenson
Byrd	Graves, T	Knox	Parrish	Talton
Casas	Greene	Lakly	Parsons	Teilhet
Chambers	Hanner	Lane, B	Porter	Thomas, B
Channell	Hatfield	Lane, R	E Ralston	Tumlin
Cheokas	Heard, J	Lindsey	Randall	Walker
Cole	Heard, K	Lord	Reese	Warren
Coleman, B	E Heckstall	Lunsford	Roberts	Wilkinson
Cox	Hembree	Maddox	Royal	Williams, E
Crawford	Hill, C	Manning	Rynders	Williams, R
Cummings	Hill, C.A	Martin	Scheid	Richardson,
Davis	Holt	Maxwell	E Scott, A	Speaker

The following members were off the floor of the House when the roll was called:

Representatives Amerson of the 9th, Anderson of the 123rd, Barnes of the 78th, Beasley-Teague of the 65th, Benfield of the 85th, Black of the 174th, Borders of the 175th, Brown of the 69th, Bruce of the 64th, Buckner of the 76th, Burmeister of the 119th, Carter of the 159th, Coan of the 101st, Coleman of the 144th, Cooper of the 41st, Day of the 163rd, Dean of the 59th, Drenner of the 86th, Ehrhart of the 36th, Floyd of the 99th, Fludd of the 66th, Geisinger of the 48th, Harbin of the 118th, Horne of the 71st, Howard of the 121st, Hudson of the 124th, Jackson of the 161st, Jones of the 44th, Jordan of the 77th, Kidd of the 115th, Lewis of the 15th, Loudermilk of the 14th, Lucas of the 139th, Mangham of the 94th, Marin of the 96th, Meadows of the 5th, Mitchell of the 88th, Mosby of the 90th, Oliver of the 83rd, Orrock of the 58th, Powell of the 29th, Reece of the 27th, Reece of the 11th, Rice of the 51st, Rogers of the 26th, Sailor of the 93rd, Shaw of the 176th, Sims of the 169th, Smith of the 168th, Smyre of the 132nd, Stanley-Turner of the 53rd, Thomas of the 55th, Williams of the 165th, and Yates of the 73rd.

They wish to be recorded as present.

Prayer was offered by Pastor Kerwin B. Lee, Berean Christian Church, Stone Mountain, Georgia.

The members pledged allegiance to the flag.

Representative Heard of the 104th, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business during the first part of the period of unanimous consents:

1. Introduction of Bills and Resolutions.
2. First reading and reference of House Bills and Resolutions.
3. Second reading of Bills and Resolutions.
4. Reports of Standing Committees.
5. Third reading and passage of Local uncontested Bills.
6. First reading and reference of Senate Bills and Resolutions.

By unanimous consent, the following Bill and Resolution of the House were introduced, read the first time and referred to the Committees:

HB 1663. By Representative Mangham of the 94th:

A BILL to be entitled an Act to amend Part 2 of Article 6 of Chapter 2 of Title 20 of the O.C.G.A., relating to competencies and core curriculum for elementary and secondary students under the "Quality Basic Education Act," so as to provide for the offering of state funded high school courses in the History and Literature of the Old Testament Era and the History and Literature of the New Testament Era; to provide for the adoption of the curricula for such courses by the State Board of Education; to provide for the topics of instruction, reading materials, and methods of teaching in such

courses; to provide for certain matters relating to the employment and assignment of teachers of such courses; to provide for the granting of academic credit for the successful completion of such courses; to provide for the monitoring of the content and teaching of such courses; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

HR 2003. By Representative Coan of the 101st:

A RESOLUTION creating the House Study Committee on Workers' Compensation Employer Fraud; and for other purposes.

Referred to the Committee on Industrial Relations.

By unanimous consent, the following Resolutions of the House were read the second time:

HR 1939

HR 1941

HR 1940

HR 1942

Representative Ehrhart of the 36th District, Chairman of the Committee on Rules, submitted the following report:

Mr. Speaker:

Your Committee on Rules has had under consideration the following Resolution of the House and has instructed me to report the same back to the House with the following recommendation:

HR 1778 Do Pass

Respectfully submitted,
/s/ Ehrhart of the 36th
Chairman

Representative Smith of the 168th District, Chairman of the Committee on State Planning and Community Affairs, submitted the following report:

Mr. Speaker:

Your Committee on State Planning and Community Affairs - Local Legislation has had under consideration the following Bills of the House and Senate and has instructed me to report the same back to the House with the following recommendations:

HB 1631	Do Pass, by Substitute	HB 1653	Do Pass
HB 1637	Do Pass	HB 1654	Do Pass
HB 1638	Do Pass	HB 1655	Do Pass
HB 1639	Do Pass	HB 1656	Do Pass
HB 1640	Do Pass	HB 1660	Do Pass
HB 1641	Do Pass	HB 1661	Do Pass
HB 1642	Do Pass	HB 1662	Do Pass
HB 1643	Do Pass	SB 37	Do Pass, by Substitute
HB 1644	Do Pass	SB 38	Do Pass, by Substitute
HB 1645	Do Pass, by Substitute	SB 39	Do Pass, by Substitute
HB 1646	Do Pass	SB 40	Do Pass, by Substitute
HB 1647	Do Pass	SB 278	Do Pass
HB 1648	Do Pass	SB 630	Do Pass
HB 1650	Do Pass	SB 644	Do Pass
HB 1651	Do Pass	SB 660	Do Pass
HB 1652	Do Pass		

Respectfully submitted,
/s/ Smith of the 168th
Chairman

The following report of the Committee on Rules was read and adopted:

HOUSE RULES CALENDAR FRIDAY, MARCH 24, 2006

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 37th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

SB 177	Teachers Retirement System; change benefit formula; provide conditions
SB 191	Environmental Advisory; expedited review for permits under contract

- SB 286 Employees; legislative branch; state merit system; optional coverage; repeal
SB 288 Grade Integrity Act; teacher not required to change grade; ethical violation
SB 413 Compulsory School Attendance Law; exemptions; provide local board of
education policies; minimum annual attendance; change provisions
SB 570 Motor Vehicles; windshields; reduce light transmission/increase light
reflectance; authorize certified optometrist to provide attestation
SB 606 Funerals; prohibit disruptive conduct; elements of such offense; provide
criminal penalty

Modified Open Rule

- SB 396 Crimes; person who is attacked has no duty to retreat;
provide immunity from prosecution
SB 500 2006 Georgia Accuracy in Elections Act; permanent paper record of votes;
provide for pilot program/electronic voting

Modified Structured Rule

- SB 505 Mortgage Broker/Lender License; exempt certain exclusive agents
SB 545 Bingo Games; nonprofit, tax-exempt organization; provide definition
SB 561 HOPE Scholarships/Grants; definitions; correct scrivener's error; provide
for students in professional level programs

Structured Rule

- HR 1856 Murphy, Thomas B.; former Speaker of the House; authorize placement of
portrait
SB 135 Pretrial Proceedings; indictment for children;
jurisdiction for Superior Court
SB 585 Tax Executions; provide ad valorem property taxes/assessments governed
by Title 48; purchase/transfer of rights

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,
/s/ Ehrhart of the 36th
Chairman

By unanimous consent, the following Bills of the House and Senate were taken up for consideration and read the third time:

HB 1631. By Representatives Scheid of the 22nd and Byrd of the 20th:

A BILL to be entitled an Act to create the Woodstock Area Convention and Visitors Bureau Authority as a public body corporate and politic, a political subdivision of the state, and a public corporation to have the responsibility and authority to promote tourism, conventions, and trade shows in the City of Woodstock, Georgia; to provide for the creation and organization of the authority; to provide for the appointment of the directors of the authority and their terms of office, compensation, and qualifications; to provide for meetings; to provide for legislative findings and declaration of purpose; to provide for general powers; to provide for regulations; to provide for other matters relative to the foregoing and relative to the general purposes of this Act; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To create the Woodstock Area Convention and Visitors Bureau Authority as a public body corporate and politic, a political subdivision of the state, and a public corporation to have the responsibility and authority to promote tourism, conventions, and trade shows in the City of Woodstock, Georgia; to provide for the creation and organization of the authority; to provide for the appointment of the directors of the authority and their terms of office, compensation, and qualifications; to provide for meetings; to provide for legislative findings and declaration of purpose; to provide for general powers; to provide for regulations; to provide for other matters relative to the foregoing and relative to the general purposes of this Act; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Short title.

This Act shall be known and may be cited as the "Woodstock Area Convention and Visitors Bureau Authority Act."

SECTION 2.

Definitions.

As used in this Act, the term:

- (1) "Area" means the corporate limits of the City of Woodstock, Georgia.
- (2) "Authority" means the Woodstock Area Convention and Visitors Bureau Authority.

- (3) "Board" means the board of directors of the Woodstock Area Convention and Visitors Bureau Authority.
- (4) "City" means the City of Woodstock, Georgia.
- (5) "Special events" means events which, in the judgment of the authority, will promote tourism in the area or privately contracted functions.

SECTION 3.

Creation of authority, status, tax exemption, and sovereign immunity.

- (a) There is created a public body corporate and politic to be known as the Woodstock Area Convention and Visitors Bureau Authority. The authority shall be deemed to be a political subdivision of the state and a public corporation and, by that name, may contract and be contracted with, sue and be sued, implead and be impleaded, and bring and defend actions. The authority shall be a convention and visitors bureau authority created by Act of the General Assembly for a municipality for purposes of Code Section 48-13-61 of the O.C.G.A. and is intended to be an agency and instrumentality of the municipality and a governmental unit for purposes of Sections 103, 141, and 150 of the federal Internal Revenue Code of 1986, as amended, and, as to the municipality, is intended to be a subordinated entity for purposes of Section 265(b)(3)(E)(ii) of the federal Internal Revenue Code of 1986, as amended. The authority shall not be a state institution nor a department or agency of the state but shall be a creation of the state, having a distinct corporate identity and being exempt from the provisions of Code Section 50-17-2 of the O.C.G.A., the "Georgia State Financing and Investment Commission Act."
- (b) The authority shall have its principal office within the City of Woodstock and its legal situs or residence for the purposes of this Act shall be the City of Woodstock, Cherokee County, Georgia.
- (c) The exercise of the powers conferred upon the authority in this Act shall constitute an essential governmental function for a public purpose. The properties of the authority, both real and personal, and the income of the authority are declared to be public properties and income used for the benefit and welfare of the people of the city and not for the purpose of private or corporate benefit; and such properties, to the extent of the authority's ownership thereof or other interest therein, and all income and obligations of the authority shall be exempt from all taxes and special assessments of the state or any city, county, or other political subdivision thereof. The authority shall have all of the exemptions and exclusions from taxes as are now granted to cities and counties for the operation of properties or facilities similar to the properties and facilities to be owned or operated, or both, by the authority.
- (d) The authority shall have the same immunity and exemption from liability for torts and negligence as the state, and the officers, agents, and employees of the authority, when in performance of work of the authority, shall have the same immunity and exemption from liability for torts and negligence as officers, agents, and employees of the State of Georgia. The authority may be sued the same as private corporations on any contractual obligation of the authority. Any action to protect or to enforce any rights pursuant to the

provisions of this Act or any suit or action against the authority shall be brought in the Superior Court of Cherokee County, Georgia, and any action pertaining to the validation of any bonds issued under the provisions of this Act shall likewise be brought in such court which shall have exclusive, original jurisdiction of such actions. The property of the authority shall not be subject to levy and sale under legal process. The records of the authority shall be public records which are subject to Article 4 of Chapter 18 of Title 50 of the O.C.G.A. Nothing in this Act shall be construed to abridge or change the powers and duties of other authorities, departments, boards, and like agencies of the city.

SECTION 4.

Directors and meetings.

(a) The board shall consist of at least seven directors, who shall be natural persons at least 18 years of age. The mayor and council of the city shall each appoint one member to serve on the board. The members of the board shall serve terms of two years. Members shall receive no compensation for their services as members of the authority, but shall be reimbursed for their proper and reasonable expenses incurred in the performance of their duties, subject to any limitations imposed by general law on the reimbursement of public officials and subject to any limitations which may be contained from time to time in the bylaws of the authority.

(b) The board shall meet at such times as may be necessary to transact the business coming before it, but not less often than twice yearly. Either the chairperson or any two other directors together may call a special meeting of the board. Meetings of the board shall be open to the public in accordance with the laws of the State of Georgia. Written minutes of all meetings shall be kept; and, within ten days following every meeting, a copy of the minutes shall be furnished to the mayor and council of the city. Meetings shall be conducted in accordance with the latest version of *Robert's Rules of Order*.

(c) At the first meeting of the board, and thereafter subsequent to yearly new appointments, the directors shall elect a chairperson and a vice chairperson from their voting members. The chairperson shall preside at meetings of the board and shall vote on all matters coming before the board. The vice chairperson shall preside at meetings in the absence of the chairperson. In the absence of both the chairperson and vice chairperson, the directors present at a meeting shall elect a temporary chairperson to preside at that meeting, so long as the chairperson and vice chairperson both remain absent from the meeting. A quorum shall consist of at least five directors of the board. All directors present at a meeting, including the chairperson, vice chairperson, or any other director presiding at such meeting, shall be entitled to vote on all matters which shall come before the board. No vacancy on the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

SECTION 5.

Purpose.

The purpose of the authority is to promote special events as well as to promote tourism, conventions, and trade shows within the area in such manner or manners contemplated by paragraph (3.4) of subsection (a) of Code Section 48-13-51 of the O.C.G.A. or any other applicable paragraph of such Code section.

SECTION 6.

Duty of the authority.

It shall be the duty of the authority to promote special events as well as to promote tourism, conventions, and trade shows within the area and to operate the authority and its facilities in a fiscally responsible manner.

SECTION 7.

Powers.

(a) The authority shall have all powers allowed by law and consistent with the provisions of this Act as are necessary or convenient to carry out its corporate purpose, including, without limitation, the power to:

- (1) Adopt and alter a corporate seal;
- (2) Purchase advertising promoting special events and promoting tourism, conventions, and trade shows;
- (3) Encourage, solicit, promote, procure, sponsor, cosponsor, and service conventions, trade shows, and special events;
- (4) Lend financial support through grants, contributions, or otherwise to other governmental entities in furtherance of its corporate purpose;
- (5) Lend financial support through grants, contributions, or otherwise to private sector for profit and not for profit entities in furtherance of its corporate purpose, provided that the authority determines that the residents of the area shall receive a substantial benefit therefrom;
- (6) Conduct activities to foster better public understanding on the part of individuals and businesses of the importance of tourism and the convention and visitors industry to the economy of the city and of the area;
- (7) Conduct activities to encourage and to assist the cooperation between the businesses and industries servicing tourists, conventions, trade shows, and special events;
- (8) Engage in fundraising activities in furtherance of its corporate purpose;
- (9) Acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and personal property of every kind and character for its corporate purposes;
- (10) Acquire in its own name by purchase, upon such terms and conditions and in such manner as it may deem proper, real property or rights of easements therein or franchises necessary or convenient for its corporate purpose, to use the same so long as its corporate existence shall continue, to lease or make contracts with respect to the use of the same, or to dispose of same in any manner it deems to the best advantage of

the authority. If the authority shall deem it expedient to acquire and construct any facility relating to tourism, conventions, trade shows, or special events on any lands, the title to which shall then be held by the State of Georgia, the Governor is authorized to convey for and in behalf of the state title to such lands to the authority upon payment to the State of Georgia for the credit of the general fund of the state of the reasonable value of such lands or upon the receipt of such lawful consideration as may be determined by the parties to such conveyance. If the authority shall deem it expedient to acquire and construct any facility relating to tourism, conventions, trade shows, or special events on any lands, the title to which shall then be held by the city, the county, or any other municipality incorporated in said county, the governing authority or body of the city, the county, or any of the said municipalities is authorized to convey title to such lands to the authority upon the receipt of such lawful consideration as may be determined by the parties to such conveyance or upon payment for the credit of the general funds of said county or municipalities of the reasonable value of such lands, such value to be determined by mutual consent of said county or municipality and the chairperson of the authority;

(11) Appoint, select, and employ an executive director, officers, agents, and employees and independent consultants including, but not limited to, engineering, architectural, and construction experts, fiscal agents, auditors, economists, and attorneys and fix their respective compensations; and to delegate to the executive director the authority and responsibility necessary to administer properly the day-to-day business of the authority within policies set by the board and subject to its review. The powers delegated to the executive director may, at the election of the board, include the making of recommendations as to the hiring and termination of other employees and their compensation, the management of the authority's offices and properties, the making of budget recommendations, and the hiring of independent consultants;

(12) Appoint an advisory committee and other committees of persons from the public and private sectors without regard to their places of residence;

(13) Make contracts of every kind and character; and, without limitation, any and all persons, firms, and corporations and the state and any and all political subdivisions, departments, institutions, or agencies of the state are authorized to enter into contracts, leases, or agreements with the authority upon such terms and for such purposes as they deem advisable; and, without limiting the generality of the above, the authority and the city shall be permitted to enter into the following:

(A) Contracts under which hotel-motel taxes collected by the city are paid to and expended by the authority as contemplated by paragraph (3.4) of subsection (a) of Code Section 48-13-51 of the O.C.G.A., or any other applicable paragraph under such law;

(B) Contracts under which the authority purchases administrative and financial management services from the city to be performed by personnel at the city's cost, which shall include the costs of payroll, employee benefits, supplies, and overhead reasonably allocable to the performance of such services; and

- (C) Lease contracts relating to leases of real property, personal property, or both real and personal property;
 - (14) Accept loans and grants of money or materials or property of any kind from the United States or any agency or instrumentality thereof upon such terms and conditions as the United States or such agency or instrumentality may impose;
 - (15) Accept loans and grants of money or materials or property of any kind from the State of Georgia or any agency or instrumentality or political division thereof upon such terms and conditions as the State of Georgia or such agency or instrumentality or political subdivision may impose;
 - (16) Borrow money for any of its corporate purposes and to execute evidences of such indebtedness and to secure the same and to issue and validate revenue bonds pursuant to the provisions of Code Section 36-82-60 of the O.C.G.A., et seq., the "Revenue Bond Law," to pay the project costs of any one or more facilities relating to tourism, conventions, trade shows, or special events payable solely from funds pledged for that purpose, and to refund such revenue bonds. Such facilities shall be owned by the authority and may be operated by the authority, leased by the authority in whole or in part under true leases, which shall be known as operating leases, or operated by others pursuant to one or more management contracts. Revenues of the authority including, but not limited to, revenues derived by it from such facilities and revenues derived from hotel-motel taxes received from the city may be pledged to the payment of debt service on such revenue bonds and other evidences of indebtedness of the authority;
 - (17) Sell, lease, grant, exchange, or otherwise dispose of any property, both real and personal, or interest therein;
 - (18) Sue and be sued in contract and in tort and complain and defend in all courts;
 - (19) Advise and recommend plans to other public and private sector entities for the promotion of tourism, conventions, trade shows, and special events;
 - (20) Conduct studies and develop plans for improving tourism in the area;
 - (21) Receive and disburse public funds appropriated by the city, including, but not limited to, revenues derived from the hotel-motel tax collected by the city; and receive and disburse funds from private sources and other revenues which may be received from time to time which would assist in the accomplishment of its corporate purpose; and
 - (22) Do all things necessary or convenient to accomplish its corporate purposes and to exercise any power permitted by the laws of this state to be exercised by private corporations which will further the authority's ability to accomplish such purpose, so long as the exercise of such power is not in conflict with the Constitution or laws of this state.
- (b) The powers enumerated in each paragraph of subsection (a) of this section are cumulative of and in addition to those powers enumerated in the other paragraphs of subsection (a) of this section and any other powers elsewhere in this Act or which may reasonably be inferred from the provisions of this Act.

SECTION 8.

Bylaws.

The authority may, by affirmative vote of a majority of all directors, adopt and amend bylaws to govern the authority, its employees, and operation.

SECTION 9.

Budget.

The authority shall prepare an annual budget to be submitted to the city and shall file all appropriate expenditure reports with the city and the state.

SECTION 10.

Liability limited.

Neither the directors of the authority nor any person executing notes, leases, or other agreements or obligations on behalf of the authority shall be personally liable thereon by reason of such execution.

SECTION 11.

City not bound.

The authority shall have no power or authority to bind the city by any contract, agreement, financial obligation, indebtedness, or otherwise; and no contract, agreement, financial obligation, or indebtedness incurred by the authority shall ever be a claim or charge against the city; provided, however, that both the authority and the city shall be bound to each other by contracts, agreements, financial obligations, or indebtedness between themselves.

SECTION 12.

Oversight.

The city council shall be authorized to inspect at its pleasure the state and condition of the authority, its properties, and all books and records pertaining to the authority and its affairs, and the authority shall give it such books and records and furnish it with assistance in making such inspections.

SECTION 13.

Dissolution.

Should the authority, for any reason, be dissolved after full payment of all indebtedness previously incurred, both as to principal and interest, title to all property of any kind and nature, real and personal, held by the authority at the time of such dissolution shall be

conveyed to the city; or title to any such property may be conveyed prior to such dissolution in accordance with provisions which may be made therefor in any resolution or trust instrument relating to such property, subject to any liens, leases, or other encumbrances outstanding against or in respect to such property at the time of such conveyance.

SECTION 14.

Repealer.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

HB 1637. By Representative Bridges of the 10th:

A BILL to be entitled an Act to authorize the Juvenile Court of Habersham County to charge a technology fee for each civil case filed and criminal fine imposed; to specify the uses to which said technology fees may be put; to provide for review and reports; to provide for adjustment of such fee; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1638. By Representative Bridges of the 10th:

A BILL to be entitled an Act to authorize the State Court of Habersham County to charge a technology fee for each civil case filed and criminal fine imposed; to specify the uses to which said technology fees may be put; to provide for review and reports; to provide for adjustment of such fee; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1639. By Representative Bridges of the 10th:

A BILL to be entitled an Act to authorize the Probate Court of Habersham County to charge a technology fee for each civil case filed and criminal fine imposed; to specify the uses to which said technology fees may be put; to provide for review and reports; to provide for adjustment of such fee; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1640. By Representative Bridges of the 10th:

A BILL to be entitled an Act to authorize the Magistrate Court of Habersham County to charge a technology fee for each civil case filed and criminal fine imposed; to specify the uses to which said technology fees may be put; to provide for review and reports; to provide for adjustment of such fee; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1641. By Representative Hanner of the 148th:

A BILL to be entitled an Act to provide that the judge of the Probate Court of Webster County shall have the authority to appoint a person other than the clerk of the superior court to serve as clerk of the Probate Court of Webster County; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1642. By Representative Hanner of the 148th:

A BILL to be entitled an Act to provide that the chief magistrate of Webster County shall have the authority to appoint a person other than the clerk of the superior court to serve as clerk of the Magistrate Court of Webster County; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1643. By Representative Hudson of the 124th:

A BILL to be entitled an Act to provide that the probate judge of Glascock County shall serve ex officio as chief magistrate of the Magistrate Court of Glascock County on and after January 1, 2009; to provide an effective date; to provide for a referendum; to repeal certain Acts; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1644. By Representative Lane of the 167th:

A BILL to be entitled an Act to create a board of elections and registration for McIntosh County and to provide for its powers and duties; to provide for definitions; to provide for the composition of the board and the selection and appointment of members; to provide for the qualification, terms, and removal of members; to provide for oaths and privileges; to provide for meetings, procedures, and vacancies; to relieve certain officers of powers and duties and to provide for the transfer of functions to the newly created board; to provide for expenditures of public funds; to provide for compensation of members of the board; to provide for offices and equipment; to provide for personnel and compensation; to provide for the board's performance of certain functions and duties for certain municipalities; to provide for related matters; to provide effective dates; to provide for submission under the Voting Rights Act of 1965, as amended; to repeal a specific Act; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1646. By Representative Coleman of the 144th:

A BILL to be entitled an Act to provide for the manner of making appointments to fill vacancies in the membership of the board of the Dodge County Hospital Authority; to repeal a local law for purposes of conformity; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1647. By Representative Smith of the 113th:

A BILL to be entitled an Act to provide a homestead exemption from Oconee County ad valorem taxes for the full value of the homestead for residents of that county who are 65 years of age or over and whose gross household income exceeds \$40,000.00; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for the specific repeal of a certain prior homestead exemption; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1648. By Representative Smith of the 113th:

A BILL to be entitled an Act to provide a homestead exemption from Oconee County ad valorem taxes for the full value of the homestead for residents of that county who are 65 years of age or over and whose gross household income does not exceed \$40,000.00; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for the specific repeal of a certain prior homestead exemption; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1650. By Representative Hatfield of the 177th:

A BILL to be entitled an Act to create a board of elections and registration for Ware County and to provide for its powers and duties; to provide for definitions; to provide for the composition of the board and the selection and appointment of members; to provide for the qualification, terms, and removal of members; to provide for oaths and privileges; to provide for meetings, procedures, and vacancies; to relieve certain officers of powers and duties and to provide for the transfer of functions to the newly created board; to provide for certain expenditures of public funds; to provide for compensation of members of the board and personnel; to provide for offices and equipment; to provide for the board's performance of certain functions and duties for certain municipalities; to provide for related matters; to provide for submission under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide effective dates; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1651. By Representative Hatfield of the 177th:

A BILL to be entitled an Act to amend an Act creating the Satilla Regional Water and Sewer Authority, previously known as the Ware County Water and Sewer Authority, approved October 1, 2001 (Ga. L. 2001, Ex. Sess., p. 705), as amended, particularly by an Act approved May 30, 2003 (Ga. L.

2003, p. 3689), so as to provide for the composition and selection of the members of the authority; to provide for the appointment, term, and evaluation of an executive director; to provide for certain duties of the authority; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1652. By Representatives Jones of the 46th, Martin of the 47th, Geisinger of the 48th, Willard of the 49th, Burkhalter of the 50th and others:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Alpharetta, approved April 9, 1981 (Ga. L. 1981, p. 4609), as amended, particularly by an Act approved April 4, 1997 (Ga. L. 1997, p. 3633), so as to provide for annexation of certain property; to provide effective dates; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1653. By Representatives Neal of the 1st, Forster of the 3rd and Dickson of the 6th:

A BILL to be entitled an Act to amend an Act to reconstitute the Board of Education of Catoosa County, approved March 30, 1993 (Ga. L. 1993, p. 4258), as amended, so as to provide an increase in compensation for members of the board of education; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1654. By Representatives Lane of the 158th and Stephens of the 164th:

A BILL to be entitled an Act to provide a homestead exemption from Bryan County school district ad valorem taxes for educational purposes in the amount of \$50,000.00 of the assessed value of the homestead for residents of that school district who are 65 years of age or older; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1655. By Representatives Lane of the 158th and Stephens of the 164th:

A BILL to be entitled an Act to provide for a homestead exemption from City of Pembroke ad valorem taxes for municipal purposes in the amount of \$50,000.00 of the assessed value of the homestead for residents of that city who are 65 years of age or over; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1656. By Representatives Stephens of the 164th and Lane of the 158th:

A BILL to be entitled an Act to provide for a homestead exemption from City of Richmond Hill ad valorem taxes for municipal purposes in the amount of \$50,000.00 of the assessed value of the homestead for residents of that city who are 65 years of age or over; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1661. By Representative Smith of the 168th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Baxley, approved August 21, 1911 (Ga. L. 1911, p. 700), as amended, particularly by an Act approved April 13, 1982 (Ga. L. 1982, p. 4725) and an Act approved March 20, 1990 (Ga. L. 1990, p. 4134), so as to provide for the deannexation of certain territory from the corporate limits of said city; to provide for the annexation of certain territory into the corporate limits of said city; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1662. By Representatives Burns of the 157th and Carter of the 159th:

A BILL to be entitled an Act to provide for an advisory referendum regarding whether Effingham County should adopt a chairperson of the board of commissioners who is elected by the entire county; to provide for an advisory referendum regarding whether Effingham County should establish a board of elections; to provide for ballot questions; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

SB 37. By Senator Johnson of the 1st:

A BILL to be entitled an Act to provide for a homestead exemption from City of Richmond Hill ad valorem taxes for municipal purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the adjusted base year assessed value of such homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To provide for a homestead exemption from City of Richmond Hill ad valorem taxes for municipal purposes in the amount of \$50,000.00 of the assessed value of the homestead for residents of that city who are 65 years of age or over; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

(a) As used in this Act, the term:

(1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Richmond Hill, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.

- (3) "Senior citizen" means a person who is 65 years of age or over on or before January 1 of the year in which application for the exemption under subsection (b) of this section is made.
- (b) Each resident of the City of Richmond Hill who is a senior citizen is granted an exemption on that person's homestead from City of Richmond Hill ad valorem taxes for municipal purposes in the amount of \$50,000.00 of the assessed value of that homestead. The value of that property in excess of such exempted amount shall remain subject to taxation.
- (c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Richmond Hill, or the designee thereof, giving the person's age and such additional information relative to receiving such exemption as will enable the governing authority of the City of Richmond Hill, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Richmond Hill, or the designee thereof, shall provide application forms for this purpose.
- (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year as long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Richmond Hill, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.
- (e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in lieu of and not in addition to any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.
- (f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2007.

SECTION 2.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the municipal election superintendent of the City of Richmond Hill shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of the City of Richmond Hill for approval or rejection. The municipal election superintendent shall conduct that election on the date of the November, 2006, state-wide general election and shall issue the call and conduct that election as provided by general law. The municipal superintendent shall cause the date and purpose of the election to be published once a

week for two weeks immediately preceding the date thereof in the official organ of Bryan County. The ballot shall have written or printed thereon the words:

- "() YES Shall the Act be approved which provides a homestead exemption from City of Richmond Hill ad valorem taxes for municipal purposes in the amount of \$50,000.00 of the assessed value of the homestead for residents of that city who are 65 years of age or over?"

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, Section 1 of this Act shall become of full force and effect on January 1, 2007. If the Act is not so approved or if the election is not conducted as provided in this section, Section 1 of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date. The expense of such election shall be borne by the City of Richmond Hill. It shall be the municipal election superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 3.

Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

SB 38. By Senator Johnson of the 1st:

A BILL to be entitled an Act to provide for a homestead exemption from Bryan County ad valorem taxes for county purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the adjusted base year assessed value of such homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To provide a homestead exemption from Bryan County ad valorem taxes for county

purposes in the amount of \$50,000.00 of the assessed value of the homestead for residents of that county who are 65 years of age or over; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

(a) As used in this Act, the term:

(1) "Ad valorem taxes for county purposes" means all ad valorem taxes for county purposes levied by, for, or on behalf of the Bryan County, including, but not limited to, ad valorem taxes to pay interest on and to retire county bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.

(3) "Senior citizen" means a person who is 65 years of age or over on or before January 1 of the year in which application for the exemption under this Act is made.

(b) Each resident of Bryan County who is a senior citizen is granted an exemption on that person's homestead from all Bryan County ad valorem taxes for county purposes in the amount of \$50,000.00 of the assessed value of that homestead. The value of that property in excess of such exempted amount shall remain subject to taxation.

(c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the tax commissioner of Bryan County giving the person's age and such additional information relative to receiving such exemption as will enable the tax commissioner to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The tax commissioner shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year as long as the owner occupies the residence as a homestead. After a person has filed the proper application as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year, and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the tax commissioner of Bryan County in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect any state ad valorem taxes, county or independent school district ad valorem taxes for educational purposes, or municipal ad valorem taxes for municipal purposes. The homestead exemption granted by this Act shall be in lieu of and not in addition to any other homestead exemption applicable to Bryan County ad valorem taxes for county purposes.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2007.

SECTION 2.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Bryan County shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of Bryan County for approval or rejection. The election superintendent shall conduct that election on the date of the November, 2006, state-wide general election and shall issue the call and conduct that election as provided by general law. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Bryan County. The ballot shall have written or printed thereon the words:

- "() YES Shall the Act be approved which provides a homestead exemption from Bryan County ad valorem taxes for county purposes in the amount of
() NO \$50,000.00 of the assessed value of the homestead for residents of that county who are 65 of age or over?"

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, Section 1 of this Act shall become of full force and effect on January 1, 2007. If the Act is not so approved or if the election is not conducted as provided in this section, Section 1 of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date. The expense of such election shall be borne by Bryan County. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 3.

Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

SB 39. By Senator Johnson of the 1st:

A BILL to be entitled an Act to provide for a homestead exemption from Bryan County School District ad valorem taxes for educational purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the adjusted base year assessed value of such homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to

provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To provide a homestead exemption from Bryan County school district ad valorem taxes for educational purposes in the amount of \$50,000.00 of the assessed value of the homestead for residents of that school district who are 65 years of age or older; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

(a) As used in this Act, the term:

(1) "Ad valorem taxes for educational purposes" means all ad valorem taxes for educational purposes levied by, for, or on behalf of the Bryan County school district, including, but not limited to, ad valorem taxes to pay interest on and to retire county school district bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.

(3) "Senior citizen" means a person who is 65 years of age or over on or before January 1 of the year in which application for the exemption under this Act is made.

(b) Each resident of the Bryan County school district who is a senior citizen is granted an exemption on that person's homestead from all Bryan County school district ad valorem taxes for educational purposes in the amount of \$50,000.00 of the assessed value of that homestead. The value of that property in excess of such exempted amount shall remain subject to taxation.

(c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the tax commissioner of Bryan County giving the person's age and such additional information relative to receiving such exemption as will enable the tax commissioner to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The tax commissioner shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year as long as the owner occupies the residence as a homestead. After a person has filed the proper application as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year, and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead

exemption under this Act to notify the tax commissioner of Bryan County in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect any state ad valorem taxes, county ad valorem taxes for county purposes, municipal ad valorem taxes for municipal purposes, or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in lieu of and not in addition to any other homestead exemption applicable to Bryan County school district ad valorem taxes for educational purposes.

(f) The exemption granted by this Act shall apply to all taxable years beginning on or after January 1, 2007.

SECTION 2.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Bryan County shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of the Bryan County school district for approval or rejection. The election superintendent shall conduct that election on the date of the November, 2006, state-wide general election and shall issue the call and conduct that election as provided by general law. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Bryan County. The ballot shall have written or printed thereon the words:

"() YES Shall the Act be approved which provides a homestead exemption from Bryan County school district ad valorem taxes for educational purposes
() NO in the amount of \$50,000.00 of the assessed value of the homestead for residents of that school district who are 65 years of age or over?"

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, Section 1 of this Act shall become of full force and effect on January 1, 2007. If the Act is not so approved or if the election is not conducted as provided in this section, Section 1 of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date. The expense of such election shall be borne by Bryan County. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 3.

Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

SB 40. By Senator Johnson of the 1st:

A BILL to be entitled an Act to provide for a homestead exemption from City of Pembroke ad valorem taxes for municipal purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the adjusted base year assessed value of such homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To provide for a homestead exemption from City of Pembroke ad valorem taxes for municipal purposes in the amount of \$50,000.00 of the assessed value of the homestead for residents of that city who are 65 years of age or over; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

(a) As used in this Act, the term:

(1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Pembroke, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.

(3) "Senior citizen" means a person who is 65 years of age or over on or before January 1 of the year in which application for the exemption under subsection (b) of this section is made.

(b) Each resident of the City of Pembroke who is a senior citizen is granted an exemption on that person's homestead from City of Pembroke ad valorem taxes for municipal purposes in the amount of \$50,000.00 of the assessed value of that homestead. The value of that property in excess of such exempted amount shall remain subject to taxation.

(c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Pembroke, or the designee thereof, giving the person's age and such additional information relative to receiving such exemption as will enable the governing authority of the City of Pembroke, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Pembroke, or the designee thereof, shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year as long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Pembroke, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in lieu of and not in addition to any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2007.

SECTION 2.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the municipal election superintendent of the City of Pembroke shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of the City of Pembroke for approval or rejection. The municipal election superintendent shall conduct that election on the date of the November, 2006, state-wide general election and shall issue the call and conduct that election as provided by general law. The municipal superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Bryan County. The ballot shall have written or printed thereon the words:

"() YES Shall the Act be approved which provides a homestead exemption from City of Pembroke ad valorem taxes for municipal purposes in the amount
() NO of \$50,000.00 of the assessed value of the homestead for residents of that city who are 65 years of age or over?"

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the

votes cast on such question are for approval of the Act, Section 1 of this Act shall become of full force and effect on January 1, 2007. If the Act is not so approved or if the election is not conducted as provided in this section, Section 1 of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date. The expense of such election shall be borne by the City of Pembroke. It shall be the municipal election superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 3.

Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

SB 278. By Senators Jones of the 10th and Starr of the 44th:

A BILL to be entitled an Act to provide for the Henry County Board of Elections and Registration; to provide for the board as a successor to the boards created under prior law; to provide for the powers and duties of the board; to provide for the appointment, resignation, and removal of its members; to provide an administrative office for elections and registrations; to staff such office with an administrative director, clerical assistants, and other employees; to provide compensation for administrative personnel and members of the board; to terminate the former board of elections and board of registrars; to repeal a specific Act; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

SB 630. By Senator Pearson of the 51st:

A BILL to be entitled an Act to amend an Act providing a new charter for the Town of Talking Rock, approved April 21, 1997 (Ga. L. 1997, p. 4222), so as to change provisions relating to the time of municipal elections and the terms of the mayor and council; to exercise authority granted under general law so as to make the charter provisions on this subject consistent with general law; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

SB 644. By Senators Hudgens of the 47th and Kemp of the 46th:

A BILL to be entitled an Act to provide for the compensation of the members and chairperson of the board of education of Madison County; to provide for procedures relative to such increase in compensation; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

SB 660. By Senator Bulloch of the 11th:

A BILL to be entitled an Act to amend an Act creating a new board of education of Grady County, approved March 5, 1968 (Ga. L. 1968, p. 2120), as amended, so as to provide for the compensation of members of the board; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

By unanimous consent, the following roll call vote was made applicable to the previously read Bills.

On the passage of the Bills, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Holmes	Y Maxwell	Y Scheid
Anderson	Y Davis	Holt	Y May	E Scott, A
Y Ashe	Y Day	Y Horne	McCall	Y Scott, M
Y Barnard	Dean	Y Houston	McClinton	Y Setzler
Barnes	Y Dickson	Howard, E	Y Meadows	Shaw
Y Bearden	Dodson	Y Hudson	Y Millar	Y Sheldon
Beasley-Teague	E Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Dukes	Y Jacobs	Morgan	Y Sinkfield
Black	Y Ehrhart	Y James	Morris	Y Smith, B
Bordeaux	Y England	Y Jamieson	Mosby	Y Smith, L
Borders	Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Smith, T
Brown	Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Smyre
Y Bryant	Fludd	Y Jordan	Oliver	Y Stanley-Turner

Y Buckner, D	Y Forster	Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Knox	Parsons	Thomas, A.M
E Butler	Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Hanner	Y Lindsey	Ray	Watson
Y Channell	Harbin	Y Lord	Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Loudermilk	Y Reece, S	Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Williams, A
Y Cole	Y Heard, K	Y Lunsford	Rice	Y Williams, E
Y Coleman, B	E Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Mangham	Y Rogers	Wix
Cooper	Henson	Y Manning	Y Royal	Yates
Y Cox	Y Hill, C	Marin	Rynders	Richardson, Speaker

On the passage of the Bills, the ayes were 120, nays 0.

The Bills, having received the requisite constitutional majority, were passed.

Representative Smith of the 168th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the House:

HB 376. By Representatives Loudermilk of the 14th, Fleming of the 117th, Lunsford of the 110th, Lewis of the 15th, Mills of the 25th and others:

A BILL to be entitled an Act to amend Code Section 15-12-1 of the Official Code of Georgia Annotated, relating to exemptions from jury duty, so as to provide exemption for a primary caregiver of a child who is four years of age or younger; to provide an exemption for a primary teacher of children in a home study program; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 654. By Representatives Reese of the 98th, Coan of the 101st, Maddox of the 172nd and Benfield of the 85th:

A BILL to be entitled an Act to amend Code Section 40-1-1 of the Official Code of Georgia Annotated, relating to definitions relative to motor vehicles and traffic, so as to provide for additional definitions relative to all-terrain vehicles; to repeal conflicting laws; and for other purposes.

HB 724. By Representative McCall of the 30th:

A BILL to be entitled an Act to amend Code Section 31-2-7 of the Official Code of Georgia Annotated, relating to standards for sewage management systems, so as to provide that such Code section does not restrict certain work of a plumber licensed by the Construction Industry Licensing Board; to repeal conflicting laws; and for other purposes.

HB 1034. By Representatives Willard of the 49th, Wilkinson of the 52nd, Lindsey of the 54th and Geisinger of the 48th:

A BILL to be entitled an Act to provide for a homestead exemption from City of Sandy Springs ad valorem taxes for municipal purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the adjusted base year assessed value of such homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 1035. By Representatives Willard of the 49th, Wilkinson of the 52nd, Lindsey of the 54th and Geisinger of the 48th:

A BILL to be entitled an Act to provide for a homestead exemption from City of Sandy Springs ad valorem taxes for municipal purposes in the amount of \$10,000.00 of the assessed value of the homestead for residents of that city who are disabled or are 65 years of age or over and who meet certain income limitations; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 1036. By Representatives Willard of the 49th, Wilkinson of the 52nd, Lindsey of the 54th and Geisinger of the 48th:

A BILL to be entitled an Act to provide for a homestead exemption from City of Sandy Springs ad valorem taxes for municipal purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such homestead for senior citizens

whose household income does not exceed \$39,000.00; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 1037. By Representatives Willard of the 49th, Wilkinson of the 52nd, Lindsey of the 54th and Geisinger of the 48th:

A BILL to be entitled an Act to provide for a homestead exemption from City of Sandy Springs ad valorem taxes for municipal purposes in the amount of \$8,000.00 of the assessed value of the homestead for residents of that city who are disabled or are 65 years of age or over and who meet certain income limitations; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 1038. By Representatives Willard of the 49th, Wilkinson of the 52nd, Lindsey of the 54th and Geisinger of the 48th:

A BILL to be entitled an Act to provide for a homestead exemption from City of Sandy Springs ad valorem taxes for municipal purposes in the amount of \$15,000.00 of the assessed value of the homestead for residents of that city; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 1039. By Representatives Willard of the 49th, Wilkinson of the 52nd, Lindsey of the 54th and Geisinger of the 48th:

A BILL to be entitled an Act to provide for a homestead exemption from City of Sandy Springs ad valorem taxes for municipal purposes for the full value of the homestead for residents of that city who are disabled or are 70 years of age or over and who meet certain income limitations; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 1092. By Representatives Manning of the 32nd, Stephens of the 164th, Cooper of the 41st, Brown of the 69th, Buckner of the 130th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 31 of the Official Code of Georgia Annotated, relating to the Department of Human Resources, so as to provide for legislative findings; to provide for the creation of the Suicide Prevention Program; to provide for the duties and powers related to the program; to provide for staff for the program; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1106. By Representatives Graves of the 12th, Channell of the 116th, Loudermilk of the 14th, McCall of the 30th, May of the 111th and others:

A BILL to be entitled an Act to amend Code Section 32-6-26 of the Official Code of Georgia Annotated, relating to weight of vehicle and load, so as to include the hauling of construction aggregates; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1112. By Representatives Smith of the 113th, Holt of the 112th, Butler of the 18th and Byrd of the 20th:

A BILL to be entitled an Act to amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to change certain provisions relating to licensing of speech-language pathologists and audiologists; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1121. By Representatives Smith of the 131st, Smith of the 129th, Yates of the 73rd, Warren of the 122nd, Smith of the 168th and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxes, so as to provide for an exemption with respect to sales of certain tangible personal property used in direct connection with the construction or improvement of the National Infantry Museum and Heritage Park at Fort Benning; to provide for procedures, conditions, and limitations; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1190. By Representatives Wilkinson of the 52nd, Willard of the 49th, Geisinger of the 48th, Jones of the 46th and Ashe of the 56th:

A BILL to be entitled an Act to amend Code Section 32-10-64 of the Official Code of Georgia Annotated, relating to the toll powers of the State Road and Tollway Authority, so as to modify and clarify the processes by which collection of unpaid tolls may be accomplished; to alter the fees and penalties which may be assessed for failure to pay the proper toll; to provide for related

matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 1192. By Representatives Willard of the 49th, Wilkinson of the 52nd, Geisinger of the 48th and Lindsey of the 54th:

A BILL to be entitled an Act to create the City of Sandy Springs Public Facilities Authority and to provide for the appointment of members of the authority; to confer powers upon the authority; to authorize the issuance of revenue bonds of the authority payable from the revenues, tolls, fees, charges, and earnings of the authority, contract payments to the authority, and from other moneys pledged therefor and to authorize the collection and pledging of the revenues, tolls, fees, charges, earnings, and contract payments of the authority for the payment of such revenue bonds; to authorize the execution of resolutions and trust indentures to secure the payment of the revenue bonds of the authority and to define the rights of the holders of such obligations; to make the revenue bonds of the authority exempt from taxation; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 1219. By Representatives Smith of the 70th, Freeman of the 140th, Maddox of the 172nd, Morris of the 155th, Reese of the 98th and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales and use tax, so as to provide for an exemption with respect to the sale of certain school supplies, clothing, footwear, computers, and computer related accessories for a limited period of time; to provide for an exemption from state sales and use tax only with respect to certain sales of certain energy efficient products for a limited period of time; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1241. By Representatives Martin of the 47th, Roberts of the 154th, Watson of the 91st, Fleming of the 117th, Coleman of the 97th and others:

A BILL to be entitled an Act to amend Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to certain programs and activities under the "Quality Basic Education Act," so as to provide that no high school which receives funding under the "Quality Basic Education Act" shall participate in or sponsor interscholastic sports events conducted by any athletic association unless the athletic association provides for certain eligibility conditions for student athletes; to provide a definition; to provide for related matters; to repeal conflicting laws; and for other purposes.

- HB 1264. By Representatives Heard of the 104th, Cox of the 102nd, Everson of the 106th, Marin of the 96th, Walker of the 107th and others:

A BILL to be entitled an Act to amend an Act to continue and re-create the State Court of Gwinnett County, approved March 23, 1977 (Ga. L. 1977, p. 3331), as amended, particularly by an Act approved April 19, 2000 (Ga. L. 2000, p. 3598), so as to provide for an additional judge for the State Court of Gwinnett County; to provide for matters relative thereto; to provide an effective date; to repeal conflicting laws; and for other purposes.

- HB 1267. By Representatives Manning of the 32nd, Ehrhart of the 36th, Tumlin of the 38th, Parsons of the 42nd, Teilhet of the 40th and others:

A BILL to be entitled an Act to amend an Act creating the State Court of Cobb County, approved March 26, 1964 (Ga. L. 1964, p. 3211), as amended, particularly by an Act approved May 5, 2005 (Ga. L. 2005, p. 3607), so as to change the compensations of the clerk and the chief deputy clerk of the State Court of Cobb County; to provide for related matters; to repeal conflicting laws; and for other purposes.

- HB 1293. By Representatives Royal of the 171st, Floyd of the 147th, Roberts of the 154th, Channell of the 116th and O'Neal of the 146th:

A BILL to be entitled an Act to amend Code Section 48-5-7.4 of the Official Code of Georgia Annotated, relating to bona fide conservation use property, so as to provide for additional acts which constitute a breach of a conservation use covenant but incur a reduced penalty; to repeal conflicting laws; and for other purposes.

- HB 1319. By Representatives Smith of the 70th, Knight of the 126th, Golick of the 34th, Rogers of the 26th and McCall of the 30th:

A BILL to be entitled an Act to amend Chapter 23 of Title 50 of the O.C.G.A., relating to the Georgia Environmental Facilities Authority, so as to change certain provisions relating to definitions relative to said article; to change certain provisions relating to purpose, powers, and duties of the authority; to change certain provisions relating to loans to local governments and repayment thereof; to change certain provisions relating to lease agreements; to change certain provisions relating to review of contracts and agreements with local governments by the Environmental Protection Division of the Department of Natural Resources; to repeal certain provisions relating to transfer of employees of the former Office of Energy Resources; to change certain provisions relating to transfer of assets, funds, property, contracts,

programs, obligations, and interests of the former Office of Energy Resources; to repeal conflicting laws; and for other purposes.

HB 1366. By Representative Hanner of the 148th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Leesburg, approved April 17, 1973 (Ga. L. 1973, p. 2851), as amended, particularly by an ordinance filed with the Secretary of State on September 16, 1976 (Ga. L. 1977, p. 4639), so as to provide for a municipal court for the City of Leesburg; to provide the City Council certain powers to determine qualifications and requirements relating to municipal court judges; to provide for certain penalties for violations under the jurisdiction of the municipal court; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1481. By Representatives Lewis of the 15th, Loudermilk of the 14th and Graves of the 12th:

A BILL to be entitled an Act to create the Board of Commissioners of Bartow County; to provide for commissioner districts; to provide for definitions and inclusions; to provide for elections, qualifications, and terms of office; to provide for powers, duties, authority, and compensation of the chairperson and members of the board; to provide for vacancies; to provide for a county manager and the selection, compensation, powers, and duties thereof; to provide for a clerk; to provide for oaths of office and surety bonds; to provide for a vice chairperson; to provide for other related matters; to repeal an Act creating the office of commissioner of Bartow County, approved July 28, 1924 (Ga. L. 1924, p. 276), as amended; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for a referendum; to provide for effective dates and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 1499. By Representative Cheokas of the 134th:

A BILL to be entitled an Act to amend an Act creating the State Court of Sumter County, approved November 22, 1900 (Ga. L. 1900, p. 93), as amended, so as to provide that on and after January 1, 2007, the district attorney of the judicial circuit within which Sumter County is located shall represent the state in all criminal prosecutions brought in the State Court of Sumter County and shall perform the duties of the office of solicitor-general of the state court; to provide for the powers, duties, and responsibilities of said district attorney in such state court; to authorize the establishment of a state court division by said district attorney; to provide for the assignment,

appointment, and compensation of personnel by said district attorney; to provide for annual budgets; to provide for definitions and references; to provide for submission to the Justice Department for preclearance; to repeal conflicting laws; and for other purposes.

HB 1562. By Representative Hanner of the 148th:

A BILL to be entitled an Act to amend an Act providing a charter for the City of Richland, Georgia, approved August 8, 1922 (Ga. L. 1922, p. 925), as amended, so as to change the corporate limits of such city by annexing certain territory in Stewart County into such city; to repeal conflicting laws; and for other purposes.

HB 1566. By Representatives Hill of the 21st, Murphy of the 23rd and Byrd of the 20th:

A BILL to be entitled an Act to amend an Act to supplement the salary of the judge of the Superior Courts of the Blue Ridge Judicial Circuit, approved February 8, 1950 (Ga. L. 1949-50, p. 102), as amended, particularly by an Act approved December 28, 1953 (Ga. L. 1953, Nov.-Dec. Sess., p. 330), an Act approved March 2, 1966 (Ga. L. 1966, p. 119), an Act approved March 22, 1989 (Ga. L. 1989, p. 4192), an Act approved April 10, 1998 (Ga. L. 1998, p. 4447), so as to increase the amount of compensation paid to such judges by the county comprising the Blue Ridge Judicial Circuit; to provide for annual increases in the discretion of the governing authority; to authorize participation by such judges in county retirement, deferred compensation, or similar plans; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 1612. By Representatives Forster of the 3rd and Neal of the 1st:

A BILL to be entitled an Act to amend an Act creating a board of utilities commissioners for Catoosa County, approved March 17, 1956 (Ga. L. 1956, p. 3499), as amended, particularly by an Act approved April 16, 1999 (Ga. L. 1999, p. 4416), so as to provide for a limit on the number of terms which members of such board may serve; to repeal conflicting laws; and for other purposes.

HB 1613. By Representatives Murphy of the 23rd, Knox of the 24th and Amerson of the 9th:

A BILL to be entitled an Act to amend an Act creating the State Court of Forsyth County, approved April 15, 1996 (Ga. L. 1996, p. 4558), as amended, particularly by an Act approved May 1, 2002 (Ga. L. 2002, p. 5579), so as to

change the compensation of the judges of the State Court of Forsyth County; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 1614. By Representative Barnard of the 166th:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Glennville, approved August 21, 1911 (Ga. L. 1911, p. 1228), as amended, particularly by an Act approved March 22, 1990 (Ga. L. 1990, p. 4466), so as to change the corporate limits of the city; to repeal conflicting laws; and for other purposes.

HB 1615. By Representatives Buckner of the 76th, Dodson of the 75th, Jordan of the 77th, Abdul-Salaam of the 74th and Sinkfield of the 60th:

A BILL to be entitled an Act to establish the "Clayton County Commission on Children and Youth"; to provide for matters relative thereto; to provide an effective date; to provide for automatic repeal of this Act; to repeal conflicting laws; and for other purposes.

HB 1617. By Representatives Buckner of the 76th, Dodson of the 75th, Jordan of the 77th, Abdul-Salaam of the 74th, Sinkfield of the 60th and others:

A BILL to be entitled an Act to create a Heritage Trail Commission for Clayton County and to provide for its powers and duties; to provide for the composition of the commission and the selection and appointment of members; to provide for meetings, procedures, and operational bylaws; to provide for findings; to provide for automatic repeal; to provide for dissolution; to repeal conflicting laws; and for other purposes.

HB 1624. By Representatives Scott of the 153rd and Roberts of the 154th:

A BILL to be entitled an Act to amend an Act creating and establishing the State Court of Tift County, approved March 30, 1971 (Ga. L. 1971, p. 2468), as amended, so as to prohibit the judge of such court from engaging in the practice of law; to provide for the compensation of such judge; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has passed by substitute, by the requisite constitutional majority, the following bills of the House:

HB 1421. By Representatives Fleming of the 117th, Ralston of the 7th and Hatfield of the 177th:

A BILL to be entitled an Act to amend Article 7 of Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to demand for trial and announcement of readiness for trial, so as to require that a defendant be present in court and announce ready for trial if a demand for trial is filed; to require that a demand for trial be filed and served as a separate document and labeled as a demand for trial; to change provisions relating to demand for trial and service of the demand; to provide for other related matters; to repeal conflicting laws; and for other purposes.

HB 1616. By Representatives Scott of the 2nd and Neal of the 1st:

A BILL to be entitled an Act to provide a homestead exemption from Walker County school district ad valorem taxes for educational purposes in the amount of \$50,000.00 of the assessed value of the homestead after a three-year phase in period for residents of that school district who are 70 years of age or older; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The Senate has passed as amended, by the requisite constitutional majority, the following bill of the House:

HB 1090. By Representatives Harbin of the 118th, Fleming of the 117th, Burmeister of the 119th and Rogers of the 26th:

A BILL to be entitled an Act to amend Chapter 10 of Title 13 of the O.C.G.A., relating to contracts for public works, and Article 4 of Chapter 2 of Title 32 of the Official Code of Georgia Annotated, relating to exercise of power to contract by the Department of Transportation generally, so as to provide that a contractor that is more than 30 days behind in the performance of a state public works construction contract or a construction or maintenance contract with the Department of Transportation due to the fault of such contractor shall not be eligible to bid on any additional state public works construction contracts or Department of Transportation construction or maintenance contracts until such time as the performance of such contract is brought current or is completed; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Representative Porter of the 143rd moved that the House reconsider its action in giving the requisite constitutional majority to the following Bill of the Senate:

SB 44. By Senator Hamrick of the 30th:

A BILL to be entitled an Act to amend Code Section 42-2-11 of the Official Code of Georgia Annotated, relating to powers and duties of the Board of Corrections, so as to authorize the board to enter into contracts for the operation of private probation detention and diversion centers; to provide for rules and regulations for the operation of such centers; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	N Crawford	N Hill, C.A	N Martin	Sailor
N Amerson	Y Cummings	Holmes	N Maxwell	N Scheid
Anderson	N Davis	N Holt	N May	N Scott, A
Y Ashe	N Day	N Horne	McCall	N Scott, M
N Barnard	Dean	Y Houston	McClinton	Setzler
Barnes	N Dickson	Howard, E	N Meadows	Shaw
N Bearden	N Dodson	Y Hudson	N Millar	N Sheldon
Beasley-Teague	E Dollar	Y Hugley	N Mills	N Sims, C
Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
N Benton	Dukes	N Jacobs	Morgan	Y Sinkfield
Black	N Ehrhart	Y James	N Morris	N Smith, B
Bordeaux	N England	Y Jamieson	Y Mosby	N Smith, L
Borders	Epps	Y Jenkins	N Mosley	Y Smith, P
N Bridges	Everson	N Jennings	N Mumford	N Smith, R
Y Brooks	N Fleming	Y Johnson	N Murphy, J	N Smith, T
Brown	Y Floyd, H	Jones, J	Y Murphy, Q	N Smith, V
Y Bruce	N Floyd, J	Y Jones, S	N Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	N Forster	N Keen	O'Neal	Stephens
Y Buckner, G	N Franklin	Y Keown	Y Orrock	Y Stephenson
N Burkhalter	N Freeman	Y Kidd	N Parham	Talton
N Burmeister	Y Gardner	N Knight	Y Parrish	Y Teilhet
N Burns	Y Geisinger	N Knox	Y Parsons	Thomas, A.M
E Butler	Golick	Y Lakly	Y Porter	Y Thomas, B
Byrd	N Graves, D	N Lane, B	Y Powell	Y Tumlin
N Carter	N Graves, T	N Lane, R	N Ralston	N Walker
N Casas	N Greene	N Lewis	Y Randall	Y Warren
N Chambers	N Hanner	N Lindsey	Y Ray	Watson
Channell	N Harbin	Y Lord	Reece, B	N Wilkinson
N Cheokas	Y Hatfield	Loudermilk	N Reece, S	Willard
N Coan	N Heard, J	Lucas	N Reese	Williams, A
N Cole	Y Heard, K	Lunsford	Rice	Y Williams, E
N Coleman, B	E Heckstall	N Maddox	N Roberts	N Williams, R
Coleman, T	N Hembree	Mangham	Y Rogers	Y Wix
N Cooper	Y Henson	N Manning	N Royal	Y Yates
Cox	N Hill, C	Marin	Rynders	Richardson, Speaker

On the motion, the ayes were 54, nays 80.

The motion was lost.

Representative Jacobs of the 80th stated that he inadvertently voted "nay" on the preceding roll call. He wished to be recorded as voting "aye" thereon.

The following Bill of the House was taken up for the purpose of considering the Senate's insistence on its position in amending the same:

HB 81. By Representatives Day of the 163rd, Stephens of the 164th, Bryant of the 160th, Jackson of the 161st and Scott of the 2nd:

A BILL to be entitled an Act to amend Code Section 48-5-40 of the Official Code of Georgia Annotated, relating to definitions regarding ad valorem tax exemptions, so as to provide that, with respect to all homestead exemptions, the unremarried surviving spouse of a deceased spouse who has been granted a homestead exemption shall continue to receive that exemption so long as that unremarried surviving spouse continues to occupy the home as a residence and homestead; to provide for a referendum, applicability, and effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Representative Day of the 163rd moved that the House insist on its position in disagreeing to the Senate amendment to HB 81 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Day of the 163rd, Keen of the 179th, and Stephens of the 164th.

The following members were recognized during the period of Morning Orders and addressed the House:

Kidd of the 115th, Cheokas of the 134th, Setzler of the 35th, and Cole of the 125th.

Under the general order of business, established by the Committee on Rules, the following Bills of the Senate were taken up for consideration and read the third time:

SB 561. By Senators Harp of the 29th, Staton of the 18th, Adelman of the 42nd, Henson of the 41st and Wiles of the 37th:

A BILL to be entitled an Act to amend Part 7 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to HOPE scholarships and grants, so as to provide for certain definitions; to correct a scrivener's error; to provide for students in professional level programs; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Day	Y Horne	Y McCall	Y Scott, M
Barnard	Dean	Y Houston	McClinton	Y Setzler
Barnes	Dickson	Y Howard, E	Y Meadows	Shaw
Y Bearden	Y Dodson	Hudson	Y Millar	Y Sheldon
Beasley-Teague	E Dollar	Y Hugley	Y Mills	Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Dukes	Y Jacobs	Morgan	Y Sinkfield
Y Black	Y Ehrhart	James	E Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Butler	Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	E Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Wix
Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Hill, C	Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, the ayes were 144, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

SB 585. By Senators Shafer of the 48th, Moody of the 56th and Balfour of the 9th:

A BILL to be entitled an Act to amend Article 2 of Chapter 13 of Title 9 of the O.C.G.A., relating to parties in execution, so as to provide that executions for ad valorem property taxes or assessments shall be governed exclusively by Title 48; to amend Chapter 3 of Title 48 of the O.C.G.A., relating to tax executions, so as to define certain terms; to provide for the purchase of tax executions and the transfer of rights; to provide for the termination of such right; to provide for collection; to provide for notice; to provide for a right of satisfaction; to provide for interest and fees; to provide for notice in the event certain information is unavailable; to provide that certain officials and their employees shall not have the right to purchase tax executions; to provide a penalty; to provide for applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Title 9 of the Official Code of Georgia Annotated, relating to civil practice, and Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to provide for the comprehensive revision of provisions regarding tax executions and redemption of property; to provide for procedures, conditions, and limitations regarding the transfer of tax executions; to change certain provisions relating to procedures for sales under tax levies and executions; to change provisions regarding payment of excess proceeds; to provide for requirements and procedures with respect to certain tax sales; to change certain provisions regarding redemption of property; to provide for additional circumstances under which real estate transfer tax is not due and payable; to change certain provisions relating to transfer of executions; to provide for related matters; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 9 of the Official Code of Georgia Annotated, relating to civil practice, is amended by striking Code Section 9-13-36, relating to transfer of execution upon payment, status of transferee, and recording necessary to preserve lien, in its entirety and inserting in its place the following:

"9-13-36.

(a) Except as otherwise provided for in subsection (b) of this Code section, whenever
~~Whenever~~ any person other than the person against whom the same has issued pays any execution, issued without the judgment of a court, under any law, the officer whose duty it is to enforce the execution, upon the request of the party paying the same, shall transfer the execution to the party. The transferee shall have the same rights as to enforcing the execution and priority of payment as might have been exercised or claimed before the transfer, provided that the transferee shall have the execution entered on the general execution docket of the superior court of the county in which the same was issued and, if the person against whom the same was issued resides in a different county, also in the county of such person's residence within 30 days from the transfer; in default thereof the execution shall lose its lien upon any property which has been transferred bona fide and for a valuable consideration before the recordation and without notice of the existence of the execution.

(b) This Code section shall not be applicable to tax executions. Tax executions shall be governed exclusively by Chapters 3 and 4 of Title 48."

SECTION 2.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by striking Code Section 48-3-19, which is reserved, and inserting in its place a new Code Section 48-3-19 to read as follows:

"48-3-19.

(a) As used in this Code section, the term:

(1) 'Delinquent taxpayer' means the person or persons against whom an execution has been issued or the successor in title to the property for which the execution has been issued.

(2) 'Due diligence' means the performance of a diligent search to ascertain the actual location of the record owner of the property. The following actions shall satisfy the diligent search requirements of this Code section: sending notice by first-class mail, certified mail, or statutory overnight delivery, as required by law. If the notice is returned undelivered the following actions shall satisfy the diligent search requirements of this Code section: due diligence shall include checking telephone directories for the county wherein the property is located; checking the records of the tax commissioner of the county wherein the property is located; or checking the real estate records of the clerk of the superior court of the county wherein the property is located.

(3) 'Execution' means an execution issued for the collection of any ad valorem taxes, special assessments, fees, penalties, interest, or collection costs due the state or any political subdivision thereof.

(4) 'Transferee' means a person to whom an execution is transferred.

(5) 'Transferor' means the official holding the tax executions and authorized to collect or transfer such tax executions.

(b)(1) Whenever any person other than the person against whom an execution has been issued pays an execution issued for state, county, or municipal taxes or special

assessments, the officer whose duty is to enforce the execution may transfer the execution to the party so paying the full value of the execution. No officer whose duty it is to enforce an execution issued for state, county, or municipal taxes or special assessments shall be required to make any transfer or transfers of such execution or executions. The transferee shall have the same rights as to enforcing the execution and priority of payment as might have been exercised or claimed by the tax official. The person to whom the execution is transferred shall, within 30 days of the transfer, cause the execution to be entered on the general execution docket of the superior court of the county in which the execution was issued. In default of the required entry or entries, the execution shall lose its lien upon any property which has been transferred in good faith and for a valuable consideration before the entry and without notice of the existence of the execution.

(2)(A) It shall be unlawful for any tax official covered by this subsection to pay a tax execution in order to obtain a transfer of the execution under this Code section. It shall be unlawful for any employee of a tax official covered by this subsection to pay a tax execution in order to obtain a transfer of the execution under this Code section. The tax officials covered by this subsection are:

- (i) County tax receivers, tax collectors, and tax commissioners;
- (ii) Members of county boards of tax assessors;
- (iii) Members of county boards of equalization; and
- (iv) County tax appraisers.

(B) Any execution transferred in violation of subparagraph (A) of this paragraph shall be void and unenforceable by the person obtaining the execution and such person's successors in interest.

(C) Any tax official or employee of a tax official violating subparagraph (A) of this paragraph shall be guilty of a misdemeanor.

(c)(1) Within 60 days following the transfer, the transferee shall notify the delinquent taxpayer of the transfer of the tax execution by first-class mail. The notice shall include:

- (A) The name, mailing address, and telephone number for the transferee's business office;
- (B) The amount necessary to satisfy such execution; and
- (C) Other information as deemed appropriate by the transferee.

(2) In the event that any such notice by first-class mail is returned undelivered, the transferee shall be required to perform due diligence in an effort to obtain the delinquent taxpayer's correct address or any new owner's correct address and resend the notice by first-class mail.

(d) An execution which has been transferred shall bear interest as specified in Code Section 48-3-20 on the amount paid for such execution from the date of the transfer. In addition, the transferee may charge and collect recording fees actually expended in recording the transferred execution on the general execution docket of any county in which the transfer is recorded and such other penalties as are provided for in this title.

(e)(1) Whenever an execution has been transferred to any transferee, the transferee shall not be authorized to submit the execution to the appropriate levying officer until 12 months after the date of such transfer or 24 months after the tax giving rise to the execution was originally due, whichever is earlier. A transferee shall not have the right to advertise and sell property under a tax execution. Such right shall remain solely with the appropriate levying official, such as the sheriff or marshal.

(2) A transferee with multiple outstanding executions against the same property shall not be subject to the time period requirements of paragraph (1) of this subsection with respect to all such executions if at least one of the executions meets such requirements of paragraph (1) of this subsection.

(f) Until the execution is paid in full or satisfied, on or before November 15 of each year after the calendar year in which the transfer occurred, the transferee shall send notice by regular mail to the delinquent taxpayer and the record owner of the property advising that the tax execution is still outstanding. The notice must provide the transferee's most updated contact information, including mailing address and telephone number.

(g) Any transferee that pays the tax official more than two million dollars in any calendar year for the transfer of executions shall maintain a reasonably accessible office within 50 miles of the courthouse wherein the superior court of the county wherein the transferred executions were issued is located. Said office shall be open to the public for at least eight hours per day for five days a week, official state holidays excepted."

SECTION 4.

Said title is further amended in Code Section 48-4-1, relating to procedures for sales under tax levies and executions, by striking subsection (a) and inserting in its place a new subsection (a) to read as follows:

"(a)(1) Except as otherwise provided in this title, when a levy is made upon real or personal property, the property shall be advertised and sold in the same manner as provided for executions and judicial sales. Except as otherwise provided in this title, the sale of real or personal property under a tax execution shall be made in the same manner as provided for judicial sales; provided, however, that in addition to such other notice as may be required by law, in any sale under a tax execution made pursuant to this chapter, the defendant shall be given ten days' written notice of such sale by registered or certified mail or statutory overnight delivery. The notice required by this Code section shall be sent:

~~(1)(A)~~ In cases of executions issued by a county officer for ad valorem taxes, to the defendant's last known address as listed in the records of the tax commissioner of the county that issued the tax execution; ~~or~~

(B) In cases of executions issued by a municipal officer for ad valorem taxes, to the defendant's last known address as listed in the records of the municipal officer of the municipality that issued the tax execution; or

~~(2)(C)~~ In cases of executions issued by a state officer, to the defendant's last known address as listed in the records of the department headed by the issuing officer.

(2) A copy of the notice provided for in paragraph (1) of this subsection shall also be sent by the same tax officer sending the notice to the defendant to the appropriate tax official of the state, county, or municipality which also has issued an execution with respect to such property."

SECTION 5.

Said title is further amended by striking Code Section 48-4-5, relating to payment of excess proceeds of a tax sale by a tax commissioner or tax collector, and inserting in its place a new Code Section 48-4-5 to read as follows:

"48-4-5.

(a) If there is ~~are~~ any excess funds after paying taxes, costs, and all expenses of a sale; the tax commissioner or tax collector may file an interpleader action in superior court for the payment of the amount of such excess. Such excess shall be distributed by the superior court to intended parties, including the owner as their interest appears and in the order of priority in which their interest exists made by the tax commissioner, tax collector, or sheriff, or other officer holding excess funds, the officer selling the property shall give written notice of such excess funds to the record owner of the property at the time of the tax sale and to the record owner of each security deed affecting the property and to all other parties having any recorded equity interest or claim in such property at the time of the tax sale. Such notice shall be sent by first-class mail within 30 days after the tax sale. The notice shall contain a description of the land sold, the date sold, the name and address of the tax sale purchaser, the total sale price, and the amount of excess funds collected and held by the tax commissioner, tax collector, sheriff, or other officer. The notice shall state that the excess funds are available for distribution to the owner or owners as their interests appear in the order of priority in which their interests exist.

(b) The tax commissioner, tax collector, sheriff, or other officer may file, when deemed necessary, an interpleader action in superior court for the payment of the amount of such excess funds. Such excess funds shall be distributed by the superior court to the intended parties, including the owner, as their interests appear and in the order of priority in which their interests exist. The cost of litigation such an interpleader action, including reasonable attorney's fees, shall be paid from the excess funds upon order of the court.

(c) After five years have elapsed from the tax sale date, the tax commissioner, tax collector, sheriff, or other officer holding excess funds shall pay over to the department any excess unclaimed funds and for which no action or proceeding is pending in a claim for payment. Once excess funds are placed in the possession of the department, only a court order from an interpleader action filed in the county where the tax sale occurred, by the claimant for the funds, shall serve as justification for release of the funds."

SECTION 6.

Said title is further amended by striking Code Section 48-4-44, relating to quitclaim deeds by purchaser, and inserting in lieu thereof a new Code Section 48-4-44 to read as follows:

"48-4-44.

(a) In all cases where property is redeemed, the purchaser at the tax sale shall make a quitclaim deed to the defendant in fi. fa., which deed shall recite:

(1) The name of the person who has paid the redemption money; and

(2) The capacity in which or the claim of right or interest pursuant to which the redemption money was paid.

(b) The recitals required by subsection (a) of this Code section shall be prima-facie evidence of the facts stated.

(c) If the quitclaim deed provided for in subsection (a) of this Code section is presented to the purchaser at the time such person accepts the amount payable for the redemption in the form of cash or a certified check, the purchaser shall, at that time, sign the quitclaim deed if a notary public and an unofficial witness are present to witness such signature.

(d) If no quitclaim deed is presented at the time of the redemption or if sufficient witnesses are not present, it shall be the responsibility of the purchaser to prepare and properly execute such quitclaim deed as is required by law within seven days from the date of the redemption.

(e) It shall be the responsibility of the purchaser once the quitclaim deed is properly executed as required in subsection (d) of this Code section to present such deed for recordation to the clerk of the court within ten days of the redemption. The quitclaim deed shall be presented for recordation in the county where the tax sale originally occurred. The purchaser shall pay all recording costs and return the recorded quitclaim deed to the redeemer."

SECTION 7.

Said title is further amended in Code Section 48-6-2, relating to exemptions from real estate transfer tax, by adding a new paragraph immediately following paragraph (8) of subsection (a), to be designated paragraph (8.1), to read as follows:

"(8.1) Any deed that seeks to return any property sold at a tax sale back to the defendant in fi. fa.;"

SECTION 8.

The provisions of this Act shall apply to all executions transferred on or after July 1, 2006. Executions transferred prior to July 1, 2006, shall not be affected by this Act.

SECTION 9.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

N Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	N Sailor
Y Amerson	Y Cummings	N Holmes	Y Maxwell	Y Scheid
Anderson	Y Davis	Y Holt	Y May	Y Scott, A
N Ashe	Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Dean	Y Houston	McClinton	Y Setzler
Y Barnes	Y Dickson	N Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Hudson	Y Millar	Y Sheldon
Beasley-Teague	E Dollar	Y Hugley	Y Mills	Y Sims, C
N Benfield	N Drenner	N Jackson	Mitchell	N Sims, F
Y Benton	N Dukes	Y Jacobs	N Morgan	N Sinkfield
Black	Y Ehrhart	James	E Morris	Y Smith, B
N Bordeaux	Y England	Y Jamieson	N Mosby	Y Smith, L
N Borders	Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
N Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	N Murphy, Q	Y Smith, V
N Bruce	Y Floyd, J	N Jones, S	Y Neal	Y Smyre
N Bryant	N Fludd	N Jordan	N Oliver	Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
N Buckner, G	Y Franklin	Y Keown	N Orrock	N Stephenson
Y Burkhalter	Y Freeman	N Kidd	Parham	Y Talton
Y Burmeister	N Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	N Knox	Y Parsons	N Thomas, A.M
E Butler	Y Golick	Y Lakly	N Porter	N Thomas, B
Y Byrd	Graves, D	Y Lane, B	Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	N Randall	Y Warren
Chambers	Y Hanner	Y Lindsey	Ray	Watson
Y Channell	Y Harbin	Lord	Y Reece, B	Y Wilkinson
Cheokas	Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	N Williams, A
Y Cole	N Heard, K	Y Lunsford	Y Rice	N Williams, E
Y Coleman, B	E Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	N Mangham	Y Rogers	Y Wix
Y Cooper	Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 116, nays 37.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Dean of the 59th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "nay" thereon.

By unanimous consent, the following Bill of the Senate was withdrawn from the Committee on Judiciary Non-Civil and referred to the Committee on Public Utilities & Telecommunications:

SB 425. By Senators Goggans of the 7th, Zamarripa of the 36th, Balfour of the 9th, Williams of the 19th, Johnson of the 1st and others:

A BILL to be entitled an Act to amend Article 9 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, the "Georgia Computer Security Act of 2005," so as to enact "The Georgia Child, Family, and School Communications Protection Act"; to provide a short title; to provide for definitions; to create a service to protect child, family, and school communications; to provide conditions for registration; to provide for a fee; to provide for procedures; to provide for verification from the contents of the service; to prohibit the release of certain information; to shield certain information from public inspection; to provide for a penalty; to provide for civil actions; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

By unanimous consent, the following Bills of the House were taken up for consideration and read the third time:

HB 1645. By Representatives Mills of the 25th, Reece of the 27th, Benton of the 31st, Amerson of the 9th and Rogers of the 26th:

A BILL to be entitled an Act to create the Northeastern Judicial Circuit Public Defender Study Commission; to provide for the appointment of members; to provide for meetings and operations; to provide for powers, duties, and authority of the commission; to provide for automatic repeal; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To create the Northeastern Judicial Circuit Public Defender Study Commission; to provide for the appointment of members; to provide for meetings and operations; to provide for powers, duties, and authority of the commission; to provide for automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

(a) There is created the Northeastern Judicial Circuit Public Defender Study Commission to be composed of eight members as follows: the members of the House of Representatives from the 25th, 26th, 27th, and 31st House districts; the member of the Senate from the 49th Senate district; the sheriff of Hall County or his or her designee; the

district attorney for the Northeastern Judicial Circuit or his or her designee; and the circuit public defender for the Northeastern Judicial Circuit or his or her designee.

(b) The chairperson of the Hall County legislative delegation shall call the first meeting. The members of the commission shall appoint a chairperson of the commission from among their members and such chairperson shall call all future meetings.

SECTION 2.

(a) The commission shall undertake a study of issues and concerns related to the effectiveness and efficiency of the office of the circuit public defender in the Northeastern Judicial Circuit as to the operations of such office relative to Hall County.

(b) The commission shall make a report of its findings and recommendations, with suggestions for proposed legislation, if any, on or before December 1, 2006.

(c) The members of the commission shall receive no compensation or expenses for their services.

SECTION 3.

This Act shall stand repealed in its entirety on December 1, 2006.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

HB 1660. By Representative Smith of the 168th:

A BILL to be entitled an Act to create a board of elections and registration for Bacon County and to provide for its powers and duties; to provide for definitions; to provide for the composition of the board and the selection and appointment of members; to provide for the qualification, terms, and removal of members; to provide for oaths and privileges; to provide for meetings, procedures, and vacancies; to relieve certain officers of powers and duties and to provide for the transfer of functions to the newly created board; to provide for certain expenditures of public funds; to provide for compensation of members of the board and personnel; to provide for offices and equipment; to provide for the board's performance of certain functions and duties for certain municipalities; to provide effective dates; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

By unanimous consent, the following roll call vote was made applicable to the previously read Bills.

On the passage of the Bills, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
Beasley-Teague	E Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	James	E Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Fleming	Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Neal	Smyre
Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Orrock	Y Stephenson
Burkhalter	Freeman	Y Kidd	Y Parham	Y Talton
Burmeister	Y Gardner	Y Knight	Y Parrish	Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
E Butler	Y Golick	Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	E Greene	Y Lewis	Y Randall	Y Warren
Chambers	Y Hanner	Y Lindsey	Y Ray	Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Rice	Williams, E
Y Coleman, B	E Heckstall	Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson,
				Speaker

On the passage of the Bills, the ayes were 148, nays 0.

The Bills, having received the requisite constitutional majority, were passed.

The following Resolutions of the House, referred to the House Rules Subcommittee on Invites, were reported by the Committee on Rules with the following recommendations:

HR 1083 Do Pass

HR 1335 Do Pass

The following Resolutions of the House, favorably reported by the Committee on Rules, were read and adopted:

HR 1083. By Representatives Forster of the 3rd, Neal of the 1st and Dickson of the 6th:

A RESOLUTION congratulating the 2005 Ringgold High School Lady Tigers Softball Team, winners of the GHSA Class AAAA State Fast Softball Championship; to invite the team to appear before the House of Representatives; and for other purposes.

HR 1335. By Representatives Sims of the 169th, Keen of the 179th, Porter of the 143rd, Ralston of the 7th, Smyre of the 132nd and others:

A RESOLUTION expressing regret at the passing of Mr. Charles N. "Judy" Poag and inviting his family to appear before the House of Representatives; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bills and Resolution of the House and Senate were taken up for consideration and read the third time:

SB 500. By Senators Stephens of the 27th, Wiles of the 37th, Staton of the 18th and Hill of the 32nd:

A BILL to be entitled an Act to provide a short title; to amend Part 5 of Article 9 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to electronic recording voting systems, so as to require all electronic recording voting systems to produce a permanent paper record of the votes recorded on such systems for each voter; to provide that voters have an opportunity to verify such record after voting; to provide for certain storage devices for such systems; to provide that such paper records be retained for use in recounts and election challenge proceedings; to provide for procedures for voting on electronic recording voting systems; to provide for a pilot program during the 2006 November general election and any runoff therefrom in certain counties; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL

To provide a short title; to amend Part 5 of Article 9 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to electronic recording voting systems, so as

to provide for a pilot program during the 2006 November general election and any runoff therefrom in certain counties; to require that all electronic recording voting systems used in such pilot project produce a permanent paper record of the votes recorded on such systems for each voter; to provide that such voters have an opportunity to verify such record after voting; to provide for certain storage devices for such systems; to provide that such paper records be retained for use in recounts and election challenge proceedings; to provide for procedures for voting on such electronic recording voting systems; to provide for the verification and count of such paper records; to provide for related matters; to provide for certain public hearings and reports; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "2006 Georgia Accuracy in Elections Act."

SECTION 2.

Part 5 of Article 9 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to electronic recording voting systems, is amended by adding a new Code Section 21-2-379.12 to read as follows:

"21-2-379.12.

(a) The Secretary of State shall implement a pilot program providing for the use of direct recording electronic (DRE) voting equipment equipped and configured with an elector verified, permanent paper record of the votes cast by each elector on each DRE unit in one precinct each in the Counties of Cobb, Bibb, and Camden in the 2006 November general election and any runoff from such election.

(b)(1) Each DRE unit used in the pilot project shall meet the requirements of this subsection and shall be of the same general type from the same vendor or manufacturer as those DRE units in use in the state.

(2) Each DRE unit used by the counties in the pilot project shall have received national qualification and shall have passed state certification for use in elections. For the purposes of this Code section, the Secretary of State is authorized to provide for a conditional certification of the units which shall expire on December 31, 2006.

(3) Each unit shall produce an elector verified, permanent paper record of the votes cast by each elector on such device and shall provide the elector with an opportunity to review the permanent paper record privately and independently before casting his or her vote on the unit and to change his or her ballot or correct any error in such record or vote; provided, however, that it shall not allow the elector to have actual physical possession of such record. Each unit shall bear a unique identifying number and each unit shall be equipped with a storage device that:

(A) Stores each of the elector verified, permanent paper records at the same time as such elector's votes are stored electronically by the DRE unit;

(B) Bears the same unique identifying number as the DRE unit to which it is attached; and

(C) Can be removed from the DRE unit for the purpose of transporting the permanent paper records contained therein to a central tabulating center.

(c)(1) In those counties constituting the pilot project in the 2006 November general election and any runoff therefrom, each duly qualified elector shall cast his or her vote on a DRE unit by touching the screen or pressing the appropriate button on the unit for the candidate or issue of such elector's choice. After having the opportunity to vote in all races and upon all questions in which the elector is eligible to vote, the unit shall display a summary of the choices which the elector has made. At that time, the elector shall also be notified of any races or questions in which the elector did not make a selection and all other choices of the elector shall be displayed for the elector's review. The elector shall have the opportunity to change any choices which the elector made in voting the ballot and be allowed to vote in those races and on those questions in which the elector did not previously make a selection or cast a vote, and the elector shall again be presented with a summary display of his or her choices. After the summary screen is displayed and the elector desires to make no further changes to his or her votes, the elector shall be notified that he or she is about to cast the ballot. Prior to the elector casting his or her vote on the unit, the unit shall print a permanent paper record of the elector's votes. The elector shall then review such permanent paper record and, if such record is correct, the elector shall then press the appropriate button on the unit or location on the screen to actually cast his or her ballot and cause such votes to be recorded, which shall also cause the permanent paper record to be deposited in a ballot box or other secure container. If the votes shown on the permanent paper record are incorrect, the unit shall allow the elector to correct such error or errors by rejecting and voiding the permanent paper record that was printed and changing such elector's votes on the unit. After making such corrections, the unit shall print a new permanent paper record for the elector's review. If the new record is correct, the elector shall then press the appropriate button on the unit or location on the screen to actually cast his or her ballot. If the new record is incorrect, the unit shall allow the voter to reject and void the new permanent paper record and again change the elector's votes on the unit. After making such corrections, the unit shall print a permanent paper record of the elector's votes and shall cause the elector's ballot to be cast and such votes to be recorded. The elector shall only be allowed to adjust his or her votes three times before casting the ballot. After pressing the appropriate button on the unit or location on the screen to cast the ballot, the elector's vote shall be final and shall not be subsequently altered. In the event that the DRE unit cannot produce a correct permanent paper record of the elector's votes, such unit shall be shut down and sealed and the superintendent and the Secretary of State shall be immediately notified of such problem.

(2) The permanent paper records shall be secured in locked ballot boxes or other secure containers at all times and such ballot boxes or containers shall not be opened nor shall such ballots be counted until the polls are closed. After the close of the polls

in each of the precincts in the pilot project, a random sample of the permanent paper records created by the DRE units shall be counted at each precinct under the direction of the poll manager in accordance with this subsection.

(3) After the polls have closed and all voting in the precinct has ceased, the poll manager shall shut down the DRE units and extract the election results from each unit as follows:

(A) The manager shall obtain at least three results tapes from each DRE unit and verify that the number of ballots cast as recorded on the tapes matches the public count number as displayed on the DRE unit; and

(B) The manager shall then extract the memory card from each DRE unit.

(4) Upon completion of shutting down each DRE unit and extracting the election results, the manager shall cause to be completed and signed a ballot recap form, in sufficient counterparts, showing:

(A) The number of valid ballots;

(B) The number of spoiled and invalid ballots;

(C) The number of provisional ballots; and

(D) The number of unused provisional ballots and any other unused ballots.

The manager shall cause to be placed in the ballot supply container one copy of the recap form and any unused, defective, spoiled, and invalid ballots.

(5) The manager shall collect and retain the zero tape and one of the results tapes for each DRE unit and place such tapes with the memory card for each unit and enclose all such items for all of the DRE units used in the precinct in one envelope which shall be sealed and initialed by the manager so that it cannot be opened without breaking the seal.

(6) After collecting the tapes from the DRE units, the manager shall randomly select one contested race from the ballot for a hand count. Such selection shall be made by listing all of the contested races on the ballot individually on uniform sized slips of paper, uniformly folding such slips of paper such that the name of the race cannot be seen, placing the slips of paper into a container and mixing the slips thoroughly, and then drawing from the container one slip of paper. Upon drawing the slip of paper, the manager shall then announce the race that will be hand counted. The slips of paper shall be available for examination by any member of the public who desires to do so.

(7) After randomly selecting the race for a hand count, the manager or a poll officer under the direction of the manager shall unlock the ballot boxes containing the permanent paper records and shall count the number of records in such ballot boxes which number shall then be entered onto a recap sheet and compared to the number of persons shown as having voted on the electors list, the numbered list of voters, and the voters' certificates. Any discrepancy shall be duly noted.

(8) After completing the count of the number of permanent paper records contained in the ballot boxes, the manager shall then proceed to count the votes cast in the randomly selected race as shown on the records. Such count shall be performed in the same manner as for paper ballots as provided in Code Section 21-2-437 for the

randomly selected race. Upon the conclusion of the count, the manager or a poll officer under the direction of the manager shall record the results of the hand count on the return sheet and shall compare the results for the race to the results shown on the tapes from the DRE units for such race. In the event of a discrepancy in the count between the totals for such race, the manager or a poll officer under the direction of the manager shall post the results of the hand count and one set of return tapes from the DRE units, noting any discrepancies found, at the polling place for the information of the public.

(9) After performing the hand count of the race or races, the manager shall cause the permanent paper records to be securely sealed in the ballot box and shall seal the return sheets, tally sheets, one set of return tapes, and other completed forms in an envelope for transfer to the election superintendent.

(10) The manager and one poll worker shall then deliver the ballot boxes and envelopes to the tabulating center for the county or municipality or to such other place designated by the superintendent and shall receive a receipt therefor. The copies of the recap forms, unused ballots, records, and other materials shall be returned to the designated location and retained as provided by law.

(11) Upon receipt of the sealed envelope containing the zero tapes, results tapes, and memory cards, the election superintendent shall verify the signatures on the envelope. Once verified, the superintendent shall break the seal of the envelope and remove its contents. The superintendent shall then download the results stored on the memory card from each DRE unit into the election management system located at the central tabulation point of the county in order to obtain election results for certification.

(12) In the event of a discrepancy between the hand count totals from the precincts and the totals from the DRE memory cards, the superintendent shall use the hand count totals as the official results. The superintendent shall immediately make the public aware of any such discrepancy by posting notice of such discrepancy at his or her office for the information of the public and on the official website of the county or municipality on which the county or municipality posts election returns if the county or municipality has such a website. The superintendent shall note on the official returns for the primary, election, or runoff, as appropriate, the vote totals that are based, in whole or in part, on hand counts as a result of a discrepancy between the hand count and the machine totals.

(d) In addition to the count performed at the close of the polls, the Secretary of State shall cause a complete manual audit to be performed on each DRE unit used in the pilot project for voting within 30 days following the 2006 November general election and within 30 days of any runoff of such election. The audit shall compare the results of the permanent paper records from each DRE unit with the electronic record recorded by the DRE unit. The results of such audits shall be made available to the public upon the completion of the audits.

(e) The Secretary of State shall provide the DRE units and all necessary software, supplies, training, and support for the pilot project.

- (f) The State of Georgia shall provide the funding needed to implement such pilot project. Implementation of such pilot project shall be dependent upon such funding.
- (g) This Code section shall be repealed by operation of law on January 1, 2007."

SECTION 3.

Within 45 days after the election, the Secretary of State shall conduct a public hearing in each of the pilot areas. A summary of the findings as well as the comments received shall be submitted to the General Assembly and made available to the general public.

SECTION 4.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read:

Representatives Drenner of the 86th and Franklin of the 43rd move to *amend the Committee substitute to SB 500 by inserting after "amended" on line 17 on page 1 the following:*

by adding new paragraphs (6.1), (6.2), (6.3), and (6.4) to Code Section 21-2-379.1, relating to requirements for use of electronic recording voting systems, to read as follows:

"(6.1) It shall produce an elector verified, permanent paper record of the votes cast by each elector with a manual audit capacity for such system which shall be available for any recount conducted under Code Section 21-2-495 or for any election challenge under Article 13 of this chapter involving any primary or election in which such system is used;

(6.2) It shall provide the elector with an opportunity to review the permanent paper record privately and independently before casting his or her vote on the system and to change his or her ballot or correct any error in such record or vote; provided, however, that it shall not allow the elector to have actual physical possession of such record;

(6.3) Each DRE unit shall bear a unique identifying number;

(6.4) Each DRE unit shall be equipped with a storage device that:

(A) Stores each of the elector verified, permanent paper records at the same time as such elector's votes are stored electronically by the DRE unit;

(B) Bears the same unique identifying number as the DRE unit to which it is attached; and

(C) Can be removed from the DRE unit for the purpose of transporting the permanent paper records contained therein to a central tabulating center;".

SECTION 3.

Said part is further amended by striking subsection (b) of Code Section 21-2-379.10, relating to procedure for electors using DRE units, and inserting in lieu thereof a new subsection (b) to read as follows:

"(b) After the summary screen is displayed and the elector desires to make no further changes to his or her votes, the elector shall be notified that he or she is about to cast the ballot. The Prior to the elector casting his or her vote on the unit, the unit shall print a permanent paper record of the elector's votes. The elector shall then review such permanent paper record and, if such record is correct, the elector shall then press the appropriate button on the unit or location on the screen to actually cast his or her ballot and cause such votes to be recorded, which shall also cause the permanent paper record to be deposited in a ballot box or other secure container. If the votes shown on the permanent paper record are incorrect, the unit shall allow the elector to correct such error or errors by rejecting and voiding the permanent paper record that was printed and changing such elector's votes on the unit. After making such corrections, the unit shall print a new permanent paper record for the elector's review. If the new record is correct, the elector shall then press the appropriate button on the unit or location on the screen to actually cast his or her ballot. If the new record is incorrect, the unit shall allow the elector to reject and void the new permanent paper record and again change the elector's votes on the unit. After making such corrections, the unit shall print a permanent paper record of the elector's votes and shall cause the elector's ballot to be cast and such votes to be recorded. The elector shall only be allowed to adjust his or her votes three times before casting the ballot. After pressing the appropriate button on the unit or location on the screen to cast the ballot, the elector's vote shall be final and shall not be subsequently altered. The permanent paper records shall be secured in locked ballot boxes or other secure containers at all times and such ballot boxes or containers shall not be opened nor shall such ballots be counted unless and until required to be counted pursuant to a recount or an election contest proceeding."

SECTION 4.

Said part is further amended.

On the adoption of the amendment, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Crawford	N Hill, C.A	Martin	Y Sailor
N Amerson	N Cummings	Y Holmes	Maxwell	N Scheid
Anderson	N Davis	N Holt	N May	N Scott, A
Y Ashe	N Day	N Horne	McCall	N Scott, M
N Barnard	Y Dean	N Houston	McClinton	N Setzler
N Barnes	N Dickson	Y Howard, E	N Meadows	Shaw
Y Bearden	Dodson	Y Hudson	N Millar	N Sheldon
Beasley-Teague	E Dollar	Y Hugley	N Mills	N Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield

Black	N Ehrhart	Y James	E Morris	N Smith, B
Y Bordeaux	N England	Y Jamieson	Y Mosby	N Smith, L
Y Borders	Y Epps	N Jenkins	N Mosley	Y Smith, P
N Bridges	N Everson	N Jennings	Y Mumford	N Smith, R
Y Brooks	N Fleming	Y Johnson	N Murphy, J	N Smith, T
N Brown	Y Floyd, H	N Jones, J	Y Murphy, Q	N Smith, V
Y Bruce	N Floyd, J	Y Jones, S	N Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	N Forster	N Keen	Y O'Neal	N Stephens
N Buckner, G	Y Franklin	N Keown	Y Orrock	Y Stephenson
Burkhalter	N Freeman	Y Kidd	N Parham	N Talton
Burmeister	Y Gardner	N Knight	N Parrish	Y Teilhet
N Burns	N Geisinger	N Knox	N Parsons	Y Thomas, A.M
E Butler	N Golick	N Lakly	N Porter	Y Thomas, B
N Byrd	N Graves, D	N Lane, B	Y Powell	N Tumlin
N Carter	N Graves, T	N Lane, R	N Ralston	N Walker
Casas	E Greene	N Lewis	Y Randall	Y Warren
Y Chambers	N Hanner	N Lindsey	Ray	Watson
N Channell	Harbin	Y Lord	Y Reece, B	N Wilkinson
Y Cheokas	N Hatfield	N Loudermilk	N Reece, S	N Willard
N Coan	N Heard, J	Y Lucas	N Reese	Y Williams, A
N Cole	Y Heard, K	Lunsford	N Rice	Y Williams, E
Coleman, B	E Heckstall	N Maddox	N Roberts	N Williams, R
Coleman, T	N Hembree	Y Mangham	N Rogers	Y Wix
N Cooper	Y Henson	N Manning	N Royal	N Yates
N Cox	N Hill, C	Y Marin	N Rynders	Richardson, Speaker

On the adoption of the amendment, the ayes were 63, nays 91.

The amendment was lost.

The Committee substitute was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Maxwell	Y Scheid
Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
Beasley-Teague	E Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L

Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
E Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Tumlin
Y Carter	Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	E Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Lunsford	Y Rice	Y Williams, E
Coleman, B	E Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 160, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representatives Forster of the 3rd and Maxwell of the 17th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

SB 505. By Senators Balfour of the 9th, Unterman of the 45th and Shafer of the 48th:

A BILL to be entitled an Act to amend Code Section 7-1-1001 of the Official Code of Georgia Annotated, relating to exemptions for certain persons from the requirement of obtaining a mortgage broker or mortgage lender license, so as to exempt certain exclusive agents of licensed mortgage brokers or lenders; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Pursuant to Rule 133, Representatives Hill of the 21st and Murphy of the 23rd were excused from voting on SB 505.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

N Abdul-Salaam	Crawford	Y Hill, C.A	E Martin	Y Sailor
Y Amerson	Y Cummings	N Holmes	Y Maxwell	Y Scheid
Anderson	Y Davis	Y Holt	Y May	Y Scott, A
N Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Dean	N Houston	McClinton	Y Setzler
Y Barnes	Y Dickson	N Howard, E	Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
Beasley-Teague	E Dollar	N Hugley	Y Mills	Sims, C
N Benfield	N Drenner	N Jackson	Mitchell	N Sims, F
Benton	N Dukes	Y Jacobs	N Morgan	N Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
N Bordeaux	Y England	N Jamieson	N Mosby	Y Smith, L
Y Borders	N Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	N Johnson	Murphy, J	Y Smith, T
Y Brown	N Floyd, H	Y Jones, J	N Murphy, Q	Y Smith, V
N Bruce	Y Floyd, J	N Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	N Jordan	N Oliver	N Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
N Buckner, G	Y Franklin	Y Keown	N Orrock	N Stephenson
Y Burkhalter	Y Freeman	N Kidd	Y Parham	Y Talton
Y Burmeister	N Gardner	Y Knight	Y Parrish	N Teilhet
Y Burns	Y Geisinger	Knox	Y Parsons	N Thomas, A.M
E Butler	Golick	N Lakly	N Porter	N Thomas, B
Byrd	Y Graves, D	Y Lane, B	N Powell	Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	E Greene	Y Lewis	N Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	N Watson
Y Channell	Y Harbin	Y Lord	N Reece, B	Y Wilkinson
Y Cheokas	Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	N Williams, A
Y Cole	N Heard, K	Y Lunsford	Y Rice	N Williams, E
Y Coleman, B	E Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	N Mangham	Y Rogers	N Wix
Y Cooper	N Henson	Y Manning	Y Royal	Y Yates
Y Cox	Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, the ayes were 113, nays 45.

The Bill, having received the requisite constitutional majority, was passed.

HR 1856. By Representatives Cummings of the 16th, Richardson of the 19th, Burkhalter of the 50th, Keen of the 179th, Porter of the 143rd and others:

A RESOLUTION authorizing the placement in the Capitol of a portrait of former Speaker of the House Thomas B. Murphy; and for other purposes.

Representative Coleman of the 144th asked unanimous consent that the Speaker direct the Clerk to cause the record to reflect the unanimous adoption of HR 1856.

It was so ordered.

The Resolution, having received the requisite constitutional majority, was adopted.

SB 135. By Senators Smith of the 52nd, Hill of the 32nd, Grant of the 25th, Kemp of the 46th, Mullis of the 53rd and others:

A BILL to be entitled an Act to amend Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to pretrial proceedings, so as to provide for procedures related to jurisdiction and indictment for children charged with crimes within the jurisdiction of superior courts; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to pretrial proceedings, so as to provide for juvenile justice reforms; to provide for certain facilities that are detaining certain children to notify certain officials of the detention; to provide for procedures related to jurisdiction and indictment for children charged with crimes within the jurisdiction of superior courts; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to pretrial proceedings, is amended by adding a new Code section to the end of Article 1, relating to general provisions, to read as follows:

"17-7-3.

The official in charge of any facility in which a child is detained pending trial in the superior, state, or juvenile courts, including but not limited to sheriffs, regional jail authorities, and the Department of Juvenile Justice, shall furnish at least once a week a list of all children so detained to the chief judge, or his or her designee, and the prosecuting attorney for the court or courts having jurisdiction to adjudicate the case against the child. The list shall include the following information pertaining to each child:

- (1) The child's name;
- (2) The date of arrest;

- (3) The offense charged or other reason for being held;
- (4) The amount of the bond, if known; and
- (5) Whether the child is represented by an attorney and, if represented, the name of the attorney."

SECTION 2.

Said chapter is further amended by adding a new Code section to Article 3, relating to indictments, to read as follows:

"17-7-50.1.

(a) Any child who is charged with a crime that is within the jurisdiction of the superior court, as provided in Code Section 15-11-28 or 15-11-30.2, who is detained shall within 180 days of the date of detention be entitled to have the charge against him or her presented to the grand jury. The superior court shall, upon motion for an extension of time and after a hearing and good cause shown, grant one extension to the original 180 day period, not to exceed 90 additional days.

(b) If the grand jury does not return a true bill against the detained child within the time limitations set forth in subsection (a) of this Code section, the detained child's case shall be transferred to the juvenile court and shall proceed thereafter as provided in Chapter 11 of Title 15.

(c) The provisions of this Code section shall not apply to any case in which the prosecuting attorney files notice with the court that the detained child is a codefendant to a case in which an adult is charged with committing the same offense and the state has filed a notice of its intention to seek the death penalty."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Millar	Y Sheldon
Beasley-Teague	E Dollar	Y Hugley	Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P

E Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Carter	Y Graves, T	E Lane, R	Y Ralston	Y Walker
Y Casas	E Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	E Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 159, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Carter of the 159th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

The Speaker Pro Tem assumed the Chair.

SB 606. By Senators Douglas of the 17th, Grant of the 25th and Schaefer of the 50th:

A BILL to be entitled an Act to amend Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order and safety, so as to prohibit disruptive conduct at funerals, memorial services, or funeral processions; to provide for legislative intent; to provide for the elements of such offense; to provide for a criminal penalty; to provide for an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL

To amend Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order and safety, so as to prohibit disruptive conduct at funerals or memorial services; to provide for legislative intent; to provide for the elements of such offense; to provide for a criminal penalty; to provide for an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order and safety, is amended by adding a new Code Section 16-11-34.2 to read as follows:

"16-11-34.2.

(a) The General Assembly declares that the interest of persons in planning, participating in, and attending a funeral or memorial service for a deceased relative or loved one without unwanted impediment, disruption, disturbance, or interference is a substantial interest and the General Assembly further recognizes the need to impose content neutral time, place, and manner restrictions on unwanted acts carried out with the intent to impede, disrupt, disturb, or interfere with such funeral or memorial service.

(b) It shall be unlawful to engage in any disorderly or disruptive conduct with the intent to impede, disrupt, disturb, or interfere with the orderly conduct of any funeral or memorial service or with the normal activities and functions carried on in the facilities or buildings where such funeral or memorial service is taking place. Any or all of the following shall constitute such disorderly or disruptive conduct:

(1) Displaying any visual images that convey fighting words or actual or imminent threats of harm directed to any person or property associated with said funeral or memorial service within 500 feet of the ceremonial site or location being used for the funeral or memorial service at any time one hour prior to, during, or one hour after the posted time for said funeral or memorial service;

(2) Uttering loud, threatening, or abusive language or singing, chanting, whistling, or yelling with or without noise amplification including, but not limited to, bullhorns, automobile horns, and microphones, such as would tend to impede, disrupt, disturb, or interfere with a funeral or memorial service within 500 feet of the ceremonial site or location being used for the funeral or memorial service;

(3) Attempting to block or blocking pedestrian or vehicular access to the ceremonial site or location being used for a funeral or memorial service at any time one hour prior to, during, or one hour after the posted time for said funeral or memorial service; or

(4) Conducting a public assembly, parade, demonstration, or other like event, either fixed or processional, within 500 feet of the ceremonial site or location being used for a funeral or memorial service at any time one hour prior to, during, or one hour after the posted time for said funeral or memorial service.

(c) Any person who violates any provision of subsection (b) of this Code section shall be guilty of a misdemeanor."

SECTION 2.

This Act shall become effective on July 1, 2006, and shall apply to all offenses committed on or after such date.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read:

Representative Bordeaux of the 162nd moves to amend the Committee substitute to SB 606 as follows:

On page 2:

- 1) on line 7, insert "or" after the semicolon;
- 2) on line 10, delete "; or";
- 3) delete lines 11 through 14, inclusive.

On the adoption of the amendment, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Crawford	N Hill, C.A	N Martin	Sailor
N Amerson	Y Cummings	Y Holmes	N Maxwell	N Scheid
Y Anderson	N Davis	N Holt	N May	N Scott, A
Y Ashe	Y Day	N Horne	N McCall	N Scott, M
N Barnard	Y Dean	N Houston	McClinton	N Setzler
N Barnes	N Dickson	Y Howard, E	N Meadows	N Shaw
N Bearden	N Dodson	Hudson	N Millar	Sheldon
Beasley-Teague	E Dollar	Y Hugley	N Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Sims, F
N Benton	Y Dukes	N Jacobs	Y Morgan	Sinkfield
N Black	N Ehrhart	Y James	N Morris	Smith, B
Y Bordeaux	N England	Jamieson	Y Mosby	N Smith, L
Y Borders	Y Epps	Jenkins	Y Mosley	Y Smith, P
N Bridges	N Everson	N Jennings	N Mumford	N Smith, R
Y Brooks	N Fleming	Y Johnson	N Murphy, J	N Smith, T
N Brown	Y Floyd, H	N Jones, J	Y Murphy, Q	N Smith, V
Y Bruce	Floyd, J	Y Jones, S	N Neal	Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	N Forster	N Keen	N O'Neal	N Stephens
N Buckner, G	N Franklin	N Keown	Y Orrock	Y Stephenson
Burkhalter	N Freeman	Y Kidd	N Parham	N Talton
N Burmeister	Y Gardner	N Knight	N Parrish	Y Teilhet
N Burns	N Geisinger	N Knox	N Parsons	Y Thomas, A.M
N Butler	N Golick	N Lakly	Y Porter	Y Thomas, B
N Byrd	N Graves, D	N Lane, B	Powell	N Tumlin
N Carter	N Graves, T	E Lane, R	N Ralston	Walker
Casas	E Greene	N Lewis	Y Randall	Y Warren
N Chambers	N Hanner	Y Lindsey	N Ray	Y Watson
N Channell	N Harbin	Lord	Y Reece, B	Wilkinson
N Cheokas	Y Hatfield	N Loudermilk	N Reece, S	N Willard

N Coan	N Heard, J	Y Lucas	N Reese	Y Williams, A
N Cole	Y Heard, K	N Lunsford	Rice	Y Williams, E
N Coleman, B	E Heckstall	N Maddox	N Roberts	N Williams, R
Y Coleman, T	N Hembree	Y Mangham	N Rogers	N Wix
N Cooper	Y Henson	N Manning	N Royal	N Yates
N Cox	N Hill, C	Y Marin	N Rynders	Richardson, Speaker

On the adoption of the amendment, the ayes were 54, nays 98.

The amendment was lost.

Representative Jenkins of the 8th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "nay" thereon.

The following amendment was read:

Representatives Bordeaux of the 162nd and Lane of the 167th move to amend the Committee substitute to SB 606 as follows:

On page 1, lines 21 and 22, delete the phrase:

"Any or all of the following shall constitute such disorderly or disruptive conduct."

and insert in lieu thereof the following:

"Disorderly or disruptive conduct' shall include".

On the adoption of the amendment, the roll call was ordered and the vote was as follows:

Abdul-Salaam	N Crawford	N Hill, C.A	N Martin	Sailor
N Amerson	N Cummings	Y Holmes	N Maxwell	N Scheid
Y Anderson	N Davis	N Holt	N May	N Scott, A
Y Ashe	N Day	N Horne	N McCall	N Scott, M
N Barnard	Y Dean	N Houston	McClinton	N Setzler
N Barnes	N Dickson	Y Howard, E	N Meadows	N Shaw
N Bearden	N Dodson	N Hudson	N Millar	N Sheldon
Beasley-Teague	E Dollar	Y Hugley	N Mills	N Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Sims, F
N Benton	Dukes	N Jacobs	Y Morgan	Y Sinkfield
N Black	N Ehrhart	Y James	N Morris	N Smith, B
Y Bordeaux	N England	Jamieson	Y Mosby	N Smith, L
N Borders	Y Epps	N Jenkins	N Mosley	Y Smith, P
N Bridges	N Everson	N Jennings	N Mumford	N Smith, R
Y Brooks	N Fleming	Y Johnson	N Murphy, J	N Smith, T
N Brown	Y Floyd, H	N Jones, J	Y Murphy, Q	N Smith, V

Y Bruce	Floyd, J	Y Jones, S	N Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
N Buckner, D	N Forster	N Keen	Y O'Neal	N Stephens
N Buckner, G	N Franklin	N Keown	Y Orrock	Y Stephenson
Burkhalter	N Freeman	Y Kidd	N Parham	N Talton
N Burmeister	Y Gardner	N Knight	N Parrish	Y Teilhet
N Burns	N Geisinger	N Knox	N Parsons	Y Thomas, A.M
N Butler	N Golick	N Lakly	Y Porter	N Thomas, B
N Byrd	N Graves, D	N Lane, B	Powell	N Tumlin
N Carter	N Graves, T	E Lane, R	N Ralston	N Walker
N Casas	E Greene	N Lewis	Y Randall	Y Warren
N Chambers	N Hanner	N Lindsey	N Ray	Y Watson
N Channell	N Harbin	N Lord	Y Reece, B	Wilkinson
N Cheokas	N Hatfield	N Loudermilk	N Reece, S	N Willard
N Coan	N Heard, J	Y Lucas	N Reese	Y Williams, A
N Cole	Y Heard, K	N Lunsford	Rice	Y Williams, E
N Coleman, B	E Heckstall	N Maddox	N Roberts	N Williams, R
Y Coleman, T	N Hembree	Y Mangham	N Rogers	Y Wix
N Cooper	Y Henson	N Manning	N Royal	N Yates
N Cox	N Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the adoption of the amendment, the ayes were 49, nays 112.

The amendment was lost.

The Committee substitute was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

N Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	N Holmes	Y Maxwell	Y Scheid
N Anderson	Y Davis	Y Holt	Y May	Y Scott, A
N Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	N Dean	Y Houston	McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Hudson	Y Millar	Y Sheldon
Beasley-Teague	E Dollar	Y Hugley	Y Mills	Y Sims, C
N Benfield	Y Drenner	N Jackson	Mitchell	Sims, F
Y Benton	Y Dukes	Y Jacobs	N Morgan	N Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
N Bordeaux	Y England	Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
N Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Bruce	Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	N Jordan	Y Oliver	Y Stanley-Turner

Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	N Orrock	Y Stephenson
Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	N Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	E Lane, R	Y Ralston	Y Walker
Y Casas	E Greene	Y Lewis	Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Heard, J	N Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Rice	Williams, E
Y Coleman, B	E Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 144, nays 15.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

The Speaker assumed the Chair.

The Speaker announced the House in recess until 1:45 o'clock, this afternoon.

AFTERNOON SESSION

The Speaker called the House to order.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has disagreed to the House amendment to the following bill of the Senate:

SB 209. By Senators Stoner of the 6th, Butler of the 55th, Pearson of the 51st and Hill of the 32nd:

A BILL to be entitled an Act to amend Chapter 2 of Title 46 of the Official Code of Georgia Annotated, relating to the Public Service Commission, so as to change the time period for issuance of a commission order after a hearing regarding a gas supply plan and adjustment factors filed by a gas utility; to repeal conflicting laws, and for other purposes.

The Senate insists on its substitute to the following bill of the House:

HB 1257. By Representatives Knox of the 24th, Maxwell of the 17th, Meadows of the 5th and Watson of the 91st:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to exempt certain change of address filings by agents, subagents, counselors, and adjusters from a fee; to provide for certain qualifications for a counselor's license; to provide for the maintenance by the Commissioner of Insurance of the address of the place of business of agents, subagents, counselors, and adjusters; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate adheres to its substitute and has appointed a Committee of Conference on the following bill of the House:

HB 912. By Representative Fleming of the 117th:

A BILL to be entitled an Act to amend Code Section 9-11-34 of the Official Code of Georgia Annotated, relating to production of documents and things and entry upon land for inspection and other purposes, so as to change certain provisions relating to applicability to nonparties; to provide that silence may act as a waiver under certain circumstances; to change certain provisions

relating to confidentiality; to provide for related matters; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Smith of the 52nd, Carter of the 13th, and Harp of the 29th.

The Senate adheres to its substitute and has appointed a Committee of Conference on the following bill of the House:

HB 173. By Representative Lunsford of the 110th:

A BILL to be entitled an Act to amend Code Section 48-5-41 of the Official Code of Georgia Annotated, relating to property exempt from ad valorem tax, so as to expand the ad valorem exemption for veterans organizations to include certain additional nonprofit veterans organizations; to provide for a referendum, applicability, and effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Seabaugh of the 28th, Chance of the 16th, and Whitehead of the 24th.

The Senate adheres to its amendment and has appointed a Committee of Conference on the following bill of the House:

HB 1032. By Representatives Lunsford of the 110th, Ralston of the 7th, Forster of the 3rd, England of the 108th, Ehrhart of the 36th and others:

A BILL to be entitled an Act to amend Code Section 16-11-129 of the Official Code of Georgia Annotated, relating to license to carry a pistol or revolver and temporary renewal permit, so as to provide for certain restrictions on the issuance of such permit; to provide for a background check for permit renewals; to provide for a check of United States Immigration and Customs Enforcement records for noncitizen applicants; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Seabaugh of the 28th, Rogers of the 21st, and Wiles of the 37th.

The Senate adheres to its amendments and has appointed a Committee of Conference on the following bill of the House:

HB 81. By Representatives Day of the 163rd, Stephens of the 164th, Bryant of the 160th, Jackson of the 161st and Scott of the 2nd:

A BILL to be entitled an Act to amend Code Section 48-5-40 of the Official Code of Georgia Annotated, relating to definitions regarding ad valorem tax exemptions, so as to provide that, with respect to all homestead exemptions, the unremarried surviving spouse of a deceased spouse who has been granted a homestead exemption shall continue to receive that exemption so long as that unremarried surviving spouse continues to occupy the home as a residence and homestead; to provide for a referendum, applicability, and effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Reed of the 35th, Chance of the 16th, and Johnson of the 1st.

Representative Willard of the 49th District, Chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your Committee on Judiciary has had under consideration the following Bills and Resolution of the House and Senate and has instructed me to report the same back to the House with the following recommendations:

HR 1558	Do Pass	SB 563	Do Pass
SB 427	Do Pass, by Substitute	SB 588	Do Pass, by Substitute
SB 533	Do Pass, by Substitute	SB 622	Do Pass
SB 547	Do Pass	SB 638	Do Pass, by Substitute

Respectfully submitted,
/s/ Willard of the 49th
Chairman

The following Resolutions of the House were read:

HR 2004. By Representatives Morgan of the 39th, Teilhet of the 40th and Wix of the 33rd:

A RESOLUTION congratulating and commending Christian Family Fellowship Baptist Church; and for other purposes.

HR 2005. By Representative Reece of the 27th:

A RESOLUTION recognizing and commending John Shiraishi of the Kubota Manufacturing of America Corporation (KMA); and for other purposes.

HR 2006. By Representatives Burns of the 157th, Richardson of the 19th, Carter of the 159th and Coleman of the 144th:

A RESOLUTION remembering Dr. Ray Webb for his contributions to the Effingham County community; and for other purposes.

HR 2007. By Representatives Reece of the 11th, Cummings of the 16th, Smith of the 13th and Loudermilk of the 14th:

A RESOLUTION commending Jessica Leigh Tidwell on her selection as the STAR student for Pepperell High School; and for other purposes.

HR 2008. By Representative Rice of the 51st:

A RESOLUTION honoring Alan Bennett; and for other purposes.

HR 2009. By Representatives Tumlin of the 38th, Teilhet of the 40th, Wix of the 33rd, Parsons of the 42nd and Cooper of the 41st:

A RESOLUTION commending Johnny Johnson; and for other purposes.

HR 2010. By Representative Coan of the 101st:

A RESOLUTION commending and recognizing Megan Ward on earning the Girl Scouts of America Gold Award; and for other purposes.

HR 2011. By Representatives Reece of the 11th, Cummings of the 16th and Loudermilk of the 14th:

A RESOLUTION commending Ms. Deborah Bennett, Rome City Schools Teacher of the Year; and for other purposes.

HR 2012. By Representatives Reece of the 11th, Cummings of the 16th, Smith of the 13th and Loudermilk of the 14th:

A RESOLUTION commending Ms. Heather Willis, Floyd County School System Teacher of the Year; and for other purposes.

HR 2013. By Representative Parrish of the 156th:

A RESOLUTION commending Ricky Dean Stevens; and for other purposes.

HR 2014. By Representatives Cheokas of the 134th, Porter of the 143rd, Coleman of the 144th, Warren of the 122nd, Kidd of the 115th and others:

A RESOLUTION commending Jimmy Skipper; and for other purposes.

HR 2015. By Representatives Floyd of the 99th, Marin of the 96th and Thomas of the 100th:

A RESOLUTION commending Charles Tyler Crump on becoming an Eagle Scout; and for other purposes.

HR 2016. By Representatives Floyd of the 99th, Marin of the 96th and Thomas of the 100th:

A RESOLUTION commending Christopher John Hudgins on becoming an Eagle Scout; and for other purposes.

HR 2017. By Representatives Williams of the 165th, Lane of the 167th, Lane of the 158th and Barnard of the 166th:

A RESOLUTION expressing regret at the passing of Lewis M. Groover, Jr.; and for other purposes.

HR 2018. By Representatives Williams of the 165th, Lane of the 167th, Lane of the 158th and Barnard of the 166th:

A RESOLUTION expressing regret at the passing of Dupont K. Cheney; and for other purposes.

HR 2019. By Representatives Davis of the 109th and Lunsford of the 110th:

A RESOLUTION commending Dr. Samuel J. Lorenzo; and for other purposes.

HR 2020. By Representatives Thomas of the 55th, Sinkfield of the 60th, Brooks of the 63rd and Dean of the 59th:

A RESOLUTION expressing regret at the passing of Harold Lewis; and for other purposes.

HR 2021. By Representatives Lunsford of the 110th, Yates of the 73rd and Knight of the 126th:

A RESOLUTION congratulating Mr. Lewis John Zolnik on the occasion of his 85th birthday; and for other purposes.

HR 2022. By Representatives Reece of the 11th, Cummings of the 16th, Smith of the 13th and Loudermilk of the 14th:

A RESOLUTION commending Ms. Ann Burgess on being selected as the Armuchee High School STAR teacher; and for other purposes.

HR 2023. By Representatives Reece of the 11th, Cummings of the 16th and Loudermilk of the 14th:

A RESOLUTION commending Mr. Randall Young on being selected as the Coosa High School STAR teacher; and for other purposes.

HR 2024. By Representatives Reece of the 11th, Cummings of the 16th, Smith of the 13th and Loudermilk of the 14th:

A RESOLUTION commending Ms. Alana Ellenburg on being selected as the Pepperell High School STAR teacher; and for other purposes.

HR 2025. By Representatives Kidd of the 115th, Heard of the 114th, Smith of the 113th, Wilkinson of the 52nd, Meadows of the 5th and others:

A RESOLUTION remembering and honoring the life of Mr. William "Bill" Coleman Hartman, Jr.; and for other purposes.

HR 2026. By Representatives Lunsford of the 110th, Richardson of the 19th, Keen of the 179th, Burkhalter of the 50th, Fleming of the 117th and others:

A RESOLUTION commending Honorable and Mrs. John P. Yates; and for other purposes.

HR 2027. By Representative Richardson of the 19th:

A RESOLUTION commending those Georgia State University law students who served as the first Speaker's Law Student Externs during the 2006 regular session; and for other purposes.

HR 2028. By Representatives Jamieson of the 28th, Oliver of the 83rd, Benfield of the 85th, Houston of the 170th, Porter of the 143rd and others:

A RESOLUTION commending Honorable Karla Drenner; and for other purposes.

HR 2029. By Representatives Cooper of the 41st, Harbin of the 118th, Fleming of the 117th and Burmeister of the 119th:

A RESOLUTION commending Dr. Richard Jadick; and for other purposes.

HR 2030. By Representatives Floyd of the 147th and Rynders of the 152nd:

A RESOLUTION commending the Georgia Peanut Festival; and for other purposes.

HR 2031. By Representatives Reece of the 11th, Cummings of the 16th, Smith of the 13th and Loudermilk of the 14th:

A RESOLUTION commending Mr. Donald Sweeney on being selected as the STAR teacher for Rome; and for other purposes.

HR 2032. By Representative Reece of the 11th:

A RESOLUTION commending Ms. Jennie Starr, the Chattooga County School System Teacher of the Year; and for other purposes.

HR 2033. By Representative Reece of the 11th:

A RESOLUTION congratulating Mrs. Fannie F. Miracle on the occasion of her 101st birthday; and for other purposes.

HR 2034. By Representatives Reece of the 11th, Cummings of the 16th and Loudermilk of the 14th:

A RESOLUTION commending Ivan Batishchev on his selection as the STAR student for Rome High School; and for other purposes.

HR 2035. By Representatives Reece of the 11th, Cummings of the 16th, Smith of the 13th and Loudermilk of the 14th:

A RESOLUTION commending Betsy Ann Hardin on her selection as the STAR student for Floyd County; and for other purposes.

HR 2036. By Representatives Reece of the 11th, Cummings of the 16th, Smith of the 13th and Loudermilk of the 14th:

A RESOLUTION commending Clark McGehee on his selection as the STAR student for Rome; and for other purposes.

HR 2037. By Representative Reece of the 11th:

A RESOLUTION commending Catherine Farrar of the Trion High School debate team; and for other purposes.

HR 2038. By Representatives Reece of the 11th, Cummings of the 16th, Smith of the 13th and Loudermilk of the 14th:

A RESOLUTION commending Mr. Richard Pease on being selected as the Rome High School STAR teacher; and for other purposes.

On the adoption of the Resolutions, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Crawford	Y Hill, C.A	Martin	Sailor
Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Davis	Y Holt	May	Y Scott, A
Ashe	Day	Y Horne	McCall	Y Scott, M
Y Barnard	Dean	Y Houston	McClinton	Y Setzler
Barnes	Y Dickson	Howard, E	Y Meadows	Shaw
Y Bearden	Dodson	Y Hudson	Millar	Sheldon
Y Beasley-Teague	Dollar	Hugley	Y Mills	Y Sims, C
Benfield	Drenner	Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Morgan	Sinkfield
Y Black	Y Ehrhart	James	Y Morris	Smith, B
Y Bordeaux	Y England	Jamieson	Mosby	Y Smith, L
E Borders	Y Epps	Y Jenkins	E Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	E Smith, T
Brown	Floyd, H	Y Jones, J	Y Murphy, Q	E Smith, V
Y Bruce	Y Floyd, J	Jones, S	Neal	Smyre
Y Bryant	Y Fludd	Jordan	Oliver	Stanley-Turner
Y Buckner, D	Forster	Y Keen	O'Neal	Y Stephens
Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Parsons	Y Thomas, A.M
Butler	Golick	Lakly	Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Graves, T	E Lane, R	Y Ralston	Y Walker
Casas	E Greene	Lewis	Randall	Y Warren
Chambers	Hanner	Y Lindsey	Y Ray	Watson
Y Channell	Y Harbin	Y Lord	Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Willard

Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Williams, E
Y Coleman, B	E Heckstall	Y Maddox	Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Mangham	Y Rogers	Wix
Cooper	Henson	Y Manning	Y Royal	Y Yates
Cox	Hill, C	Marin	Y Rynders	Richardson, Speaker

On the adoption of the Resolutions, the ayes were 104, nays 0.

The Resolutions were adopted.

Representative Reece of the 11th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

Under the general order of business, established by the Committee on Rules, the following Bills of the Senate were taken up for consideration and read the third time:

SB 286. By Senator Hudgens of the 47th:

A BILL to be entitled an Act to amend Article 1 of Chapter 20 of Title 45 of the Official Code of Georgia Annotated, relating to the state merit system of personnel administration in general, so as to repeal provisions relating to optional coverage of legislative branch employees under the classified service of the state merit system; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Crawford	Y Hill, C.A	Martin	Sailor
Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	May	Y Scott, A
Ashe	Y Day	Y Horne	McCall	Y Scott, M
Y Barnard	Dean	Y Houston	McClinton	Y Setzler
Barnes	Dickson	Howard, E	Y Meadows	Shaw
Y Bearden	Dodson	Y Hudson	Millar	Sheldon
Y Beasley-Teague	Dollar	Hugley	Y Mills	E Sims, C
Benfield	Y Drenner	Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Morgan	Sinkfield
Y Black	Y Ehrhart	James	Y Morris	Smith, B
Bordeaux	Y England	Jamieson	Mosby	Y Smith, L
E Borders	Y Epps	Y Jenkins	E Mosley	Y Smith, P
Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	E Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	E Smith, V

Y Bruce	Y Floyd, J	Jones, S	Y Neal	Smyre
Y Bryant	Y Fludd	Jordan	Oliver	Stanley-Turner
Y Buckner, D	Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Burns	Y Geisinger	Y Knox	Parsons	Y Thomas, A.M
Butler	Golick	Y Lakly	Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	E Lane, R	Y Ralston	Y Walker
Y Casas	E Greene	Y Lewis	Randall	Y Warren
Chambers	Y Hanner	Y Lindsey	Ray	Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	E Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Mangham	Y Rogers	Wix
Cooper	Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, the ayes were 119, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

Representatives Burns of the 157th and Sheldon of the 105th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

SB 396. By Senators Goggans of the 7th, Johnson of the 1st, Williams of the 19th, Whitehead, Sr. of the 24th, Unterman of the 45th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated, relating to justification and excuse as a defense to certain crimes, so as to provide that a person who is attacked has no duty to retreat; to provide that such person has a right to meet force with force, including deadly force; to provide for an immunity from prosecution; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

N Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	N Sailor
Y Amerson	Y Cummings	N Holmes	Y Maxwell	Y Scheid
N Anderson	Y Davis	Y Holt	Y May	Y Scott, A
N Ashe	Y Day	Y Horne	Y McCall	Y Scott, M

Y Barnard	N Dean	Y Houston	McClinton	Y Setzler
Barnes	Y Dickson	N Howard, E	Y Meadows	Shaw
Y Bearden	Dodson	Y Hudson	Millar	Y Sheldon
Beasley-Teague	Y Dollar	N Hugley	Y Mills	E Sims, C
N Benfield	N Drenner	Jackson	Mitchell	Y Sims, F
Y Benton	N Dukes	N Jacobs	Morgan	Sinkfield
Y Black	Y Ehrhart	N James	Y Morris	Y Smith, B
N Bordeaux	Y England	Jamieson	N Mosby	Y Smith, L
E Borders	N Epps	Y Jenkins	E Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
N Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	N Murphy, Q	Y Smith, V
N Bruce	Y Floyd, J	N Jones, S	Y Neal	N Smyre
N Bryant	N Fludd	N Jordan	N Oliver	Stanley-Turner
N Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
N Buckner, G	Y Franklin	Y Keown	N Orrock	N Stephenson
Y Burkhalter	Y Freeman	N Kidd	Y Parham	Y Talton
Y Burmeister	N Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	N Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	N Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	E Lane, R	Y Ralston	Y Walker
Y Casas	E Greene	Y Lewis	N Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	N Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	N Willard
Y Coan	Y Heard, J	N Lucas	Y Reese	N Williams, A
Y Cole	N Heard, K	Y Lunsford	Y Rice	N Williams, E
Y Coleman, B	E Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Mangham	Y Rogers	Wix
Y Cooper	N Henson	Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	N Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, the ayes were 115, nays 42.

The Bill, having received the requisite constitutional majority, was passed.

Representative Wix of the 33rd stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

Representatives Mangham of the 94th, Morgan of the 39th, and Sinkfield of the 60th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "nay" thereon.

The following Bill of the Senate, having been postponed from the previous legislative day, was taken up for consideration and read the third time:

SB 150. By Senators Zamarripa of the 36th, Williams of the 19th, Reed of the 35th, Moody of the 56th, Adelman of the 42nd and others:

A BILL to be entitled an Act to provide a short title; to amend Part 1 of Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated, relating to general provisions relative to the State Road and Tollway Authority, so as to provide that the authority shall implement a program to provide for the development and expansion of streetcar transportation and attendant economic and community development opportunities; to provide for related matters; to provide an effective date; to repeal a specific law; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL

To provide a short title; to amend Part 1 of Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated, relating to general provisions relative to the State Road and Tollway Authority, so as to provide that the authority shall implement a program to provide for the development and expansion of streetcar transportation and attendant economic and community development opportunities; to prohibit issuance of state bonds for funding; to provide for related matters; to provide an effective date; to repeal a specific law; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Georgia Community Streetcar Development and Revitalization Act."

SECTION 2.

Part 1 of Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated, relating to general provisions relative to the State Road and Tollway Authority, is amended by adding immediately following Code Section 32-10-75 a new Code Section 32-10-76 to read as follows:

"32-10-76.

(a) As used in this Code section, the term:

(1) 'Local government authority' and 'state' mean the same as under 49 U.S.C. Section 5302.

(2) 'Public-private project initiative' means a local or regional streetcar project which is proposed and advanced by a cooperative entity or sponsor that involves a combined public and private sector financing and development structure which includes not for profit entities.

(3) 'Streetcar' includes, but is not limited to, a rail transit vehicle, including a modern, antique, or reproduction vehicle, that is designed to fit the scale and traffic patterns of

the neighborhoods through which it travels and operates at lower speeds generally in existing rights of way through mixed traffic, with frequent stops.

(b) The authority shall establish and implement a five-year grant program to provide assistance to local governmental authorities as well as a public-private project initiative for the capital, technical, and start-up costs of development and expansion of streetcar transportation and attendant economic and community development opportunities. The five-year grant program shall begin when funding becomes available for such purposes. The five-year grant program may be renewed at the end of each five-year period, consistent with the provisions of this Code section.

(c) The authority will work closely with the formation of a pilot program and will provide a state-level flow through point for any available federal funding or other forms of financial and development sources and assistance for local, regional, and public-private streetcar projects.

(d) The authority shall consider the following factors in its selection of projects that will be implemented by this pilot program:

(1) The project is ripe for development, construction, and operation;

(2) The project application demonstrates strong local and private sector financial participation in the project;

(3) The project will foster redevelopment opportunities adjacent to the streetcar line for which assistance is being sought;

(4) The project includes the financial participation of the private owners of real property abutting the streetcar line, with the exception of owner occupied residential properties, for some of the capital costs of the project;

(5) The project application demonstrates that development or redevelopment agreements are in place with respect to the project and land planning policies complimentary to the project have been adopted for land in close proximity to the streetcar line, including the availability of property zoned to accommodate mixed use development adjacent to the streetcar line;

(6) The project application demonstrates either how redeveloping or new neighborhoods on vacant or underutilized land will be connected by the project to each other or to major attractors in the central city where the project will be carried out or how circulator or connector lines under the project will connect developed neighborhoods with one another or with the business district in the central city;

(7) The project has demonstrated desirable levels of local financial and linking resources commitment; and

(8) The project may include, and is encouraged to include, a public-private project initiative and organizational structure or sponsor.

(e) The authority will coordinate with all appropriate metropolitan, regional, and municipal planning and development agencies where projects may be pursued and will coordinate with the Georgia Regional Transportation Authority and appropriate local transit agencies in the development, funding, and implementation of various streetcar projects.

(f) In order to receive grant assistance under this Code section, a sponsor of a project must submit to the authority an application that includes a detailed operating plan for the streetcar line for which such assistance is being sought, including the frequency of service, hours of operation, stop locations, and demonstration of the financial capacity of the sponsor to operate the streetcar line.

(g) A project for which grant assistance may be provided under this Code section may include streetscaping, signalization modifications, and other modifications to the road system or other public rights of way on which the project is to be carried out; acquisition of streetcars; and project construction, design, and engineering."

SECTION 3.

Said part is further amended by adding immediately following Code Section 32-10-76 a new Code Section 32-10-77 to read as follows:

"32-10-77.

No funding by issuing bonds or any other state funds for streetcar projects shall be allowed by any state entity or authority, including, but not limited to, the Department of Transportation or the State Road and Tollway Authority, or any other subsidiary of the state, without specific prior approval by passage of a general Act by the General Assembly."

SECTION 4.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.

This Act specifically repeals Ga. L. 2004, p. 898, Section 2.

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representatives Jacobs of the 80th and Smith of the 129th move to *amend the Committee substitute to SB 150 by striking line 20 of page 3 and inserting in lieu thereof the following:*

No funding by issuing bonds, any other state funds, or federal funds administered by the Department of Transportation shall be allowed for streetcar projects.

The following amendment was read:

Representative Davis of the 109th moves to *amend the Committee substitute to SB 150 by inserting on line 5 of page 1, after "opportunities;" the following:*

to require a referendum for the establishment of certain commuter rail projects;

By striking lines 17 and 18 of page 3 and inserting in lieu thereof the following:

Said part is further amended by adding immediately following Code Section 32-10-76 two new Code sections to read as follows:

By striking line 24 of page 3 and inserting in lieu thereof the following:

Assembly.

32-10-78.

No streetcar or commuter rail project may be established that would require a county or municipality to fund such project, initially or subsequent to initial service, for operation and maintenance costs, wholly or partially, with local fees, local assessments, or local taxes levied and collected within the county or municipality, unless such project is approved by a majority of the qualified electors voting in such county or municipality in a special election which shall be called and conducted by the election superintendent of such county or municipality."

Representative Gardner of the 57th moved that the Davis amendment be printed and placed upon the desks.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Crawford	N Hill, C.A	Y Martin	Y Sailor
N Amerson	Y Cummings	Y Holmes	N Maxwell	N Scheid
Y Anderson	N Davis	Y Holt	N May	N Scott, A
Y Ashe	Day	N Horne	Y McCall	N Scott, M
N Barnard	Y Dean	N Houston	McClinton	N Setzler
Barnes	N Dickson	Y Howard, E	N Meadows	Shaw
N Bearden	Dodson	N Hudson	Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	N Mills	N Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	N Sims, F
N Benton	Y Dukes	N Jacobs	Morgan	Y Sinkfield
Y Black	Ehrhart	Y James	N Morris	Y Smith, B
Y Bordeaux	N England	Jamieson	Y Mosby	N Smith, L
E Borders	Y Epps	Y Jenkins	E Mosley	N Smith, P
N Bridges	N Everson	N Jennings	N Mumford	N Smith, R
Y Brooks	Y Fleming	Y Johnson	N Murphy, J	Smith, T
Y Brown	Y Floyd, H	N Jones, J	N Murphy, Q	N Smith, V
Y Bruce	E Floyd, J	Y Jones, S	N Neal	Y Smyre
N Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Forster	N Keen	N O'Neal	N Stephens
Y Buckner, G	N Franklin	N Keown	Y Orrock	Y Stephenson
N Burkhalter	N Freeman	Y Kidd	Y Parham	N Talton
Y Burmeister	Y Gardner	N Knight	Y Parrish	Y Teilhet
N Burns	N Geisinger	N Knox	N Parsons	Y Thomas, A.M

N Butler	Y Golick	N Lakly	Y Porter	Y Thomas, B
N Byrd	N Graves, D	N Lane, B	N Powell	N Tumlin
N Carter	N Graves, T	E Lane, R	N Ralston	Y Walker
Y Casas	E Greene	N Lewis	Y Randall	N Warren
Y Chambers	Y Hanner	N Lindsey	Y Ray	Y Watson
Y Channell	N Harbin	N Lord	Y Reece, B	N Wilkinson
Y Cheokas	Y Hatfield	N Loudermilk	N Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Lunsford	Y Rice	Y Williams, E
Y Coleman, B	E Heckstall	N Maddox	N Roberts	N Williams, R
Y Coleman, T	N Hembree	Mangham	N Rogers	Wix
Y Cooper	Y Henson	Y Manning	N Royal	N Yates
Y Cox	N Hill, C	N Marin	N Rynders	Richardson, Speaker

On the motion, the ayes were 79, nays 77.

The motion prevailed.

By unanimous consent, further action on SB 150 was suspended until later in the legislative day.

SB 413. By Senators Moody of the 56th, Weber of the 40th, Douglas of the 17th, Thomas of the 2nd, Fort of the 39th and others:

A BILL to be entitled an Act to amend Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the compulsory school attendance law, so as to change certain provisions relating to mandatory education for children between ages six and 16; to provide that an unemancipated minor older than the age of mandatory attendance may not withdraw from enrollment in school without the permission of his or her parent or guardian; to require parent or guardian approval; to provide for a conference with the principal; to provide for local board of education policies; to change certain provisions relating to the minimum annual attendance required; to change certain provisions relating to exemptions from compulsory attendance; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education; to amend Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the compulsory school attendance law, so as to clarify certain provisions relating to mandatory education; to

provide that an unemancipated minor older than the age of mandatory attendance may not withdraw from enrollment in school without the permission of his or her parent or guardian; to require parent or guardian approval; to provide for a conference with the principal; to provide for local board of education policies; to change certain provisions relating to the minimum annual attendance required; to change certain provisions relating to exemptions from compulsory attendance; to amend Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to school attendance, so as to provide for adoption of policies and procedures by local boards of education to provide information regarding school sponsored clubs and extracurricular activities to parents and legal guardians; to provide that local school systems shall comply with written notification from parents and legal guardians withholding permission for participation; to amend Part 5 of Article 22 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to school buses, so as to provide for school bus pickup schedules; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the compulsory school attendance law, is amended by striking Code Section 20-2-690.1, relating to mandatory education for children between ages six and 16, and inserting in lieu thereof the following:

"20-2-690.1.

(a) Mandatory attendance in a public school, private school, or home school program shall be required for children between their sixth and sixteenth birthdays. Such mandatory attendance shall not be required where the child has successfully completed all requirements for a high school diploma.

(a)(b) Every parent, guardian, or other person residing within this state having control or charge of any child or children ~~between their sixth and sixteenth birthdays~~ during the ages of mandatory attendance as required in subsection (a) of this Code section shall enroll and send such child or children to a public school, a private school, or a home study program that meets the requirements for a public school, a private school, or a home study program; and such child shall be responsible for enrolling in and attending a public school, a private school, or a home study program that meets the requirements for a public school, a private school, or a home study program under such penalty for noncompliance with this subsection as is provided in Chapter 11 of Title 15, unless the child's failure to enroll and attend is caused by the child's parent, guardian, or other person, in which case the parent, guardian, or other person alone shall be responsible; provided, however, that tests and physical exams for military service and the National Guard and such other approved absences shall be excused absences. The requirements of this subsection shall apply to a child ~~between his or her seventh and sixteenth birthdays~~ during the ages of mandatory attendance as required in subsection (a) of this

Code section who has been assigned by a local board of education or its delegate to attend an alternative public school program established by that local board of education, including an alternative public school program provided for in Code Section 20-2-154.1, regardless of whether such child has been suspended or expelled from another public school program by that local board of education or its delegate, and to the parent, guardian, or other person residing in this state who has control or charge of such child. Nothing in this Code section shall be construed to require a local board of education or its delegate to assign a child to attend an alternative public school program rather than suspending or expelling the child.

~~(b)~~(c) Any parent, guardian, or other person residing in this state who has control or charge of a child or children and who shall violate this Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not less than \$25.00 and not greater than \$100.00, imprisonment not to exceed 30 days, community service, or any combination of such penalties, at the discretion of the court having jurisdiction. Each day's absence from school in violation of this part after the child's school system notifies the parent, guardian, or other person who has control or charge of a child of five unexcused days of absence for a child shall constitute a separate offense. After two reasonable attempts to notify the parent, guardian, or other person who has control or charge of a child of five unexcused days of absence without response, the school system shall send a notice to such parent, guardian, or other person by certified mail, return receipt requested. Public schools shall provide to the parent, guardian, or other person having control or charge of each child enrolled in public school a written summary of possible consequences and penalties for failing to comply with compulsory attendance under this Code section for children and their parents, guardians, or other persons having control or charge of children. The parent, guardian, or other person who has control or charge of a child or children shall sign a statement indicating receipt of such written statement of possible consequences and penalties; children who are age ten years or older by September 1 shall sign a statement indicating receipt of such written statement of possible consequences and penalties. After two reasonable attempts by the school to secure such signature or signatures, the school shall be considered to be in compliance with this subsection if it sends a copy of the statement, via certified mail, return receipt requested, to such parent, guardian, other person who has control or charge of a child, or children. Public schools shall retain signed copies of statements through the end of the school year.

~~(e)~~(d) Local school superintendents in the case of private schools or home study programs and visiting teachers and attendance officers in the case of public schools shall have authority and it shall be their duty to file proceedings in court to enforce this subpart.

(e) An unemancipated minor who is older than the age of mandatory attendance as required in subsection (a) of this Code section who has not completed all requirements for a high school diploma who wishes to withdraw from school shall have the written permission of his or her parent or legal guardian prior to withdrawing. Prior to accepting such permission, the school principal or designee shall convene a conference

with the child and parent or legal guardian within two school days of receiving notice of the intent of the child to withdraw from school. The principal or designee shall make a reasonable attempt to share with the student and parent or guardian the educational options available, including the opportunity to pursue a general educational development (GED) diploma and the consequences of not having earned a high school diploma, including lower lifetime earnings, fewer jobs for which the student will be qualified, and the inability to avail oneself of higher educational opportunities. Every local board of education shall adopt a policy on the process of voluntary withdrawal of unemancipated minors who are older than the mandatory attendance age. The policy shall be filed with the Department of Education no later than January 1, 2007. The Department of Education shall provide annually to all local school superintendents model forms for the parent or guardian signature requirement contained in this subsection and updated information from reliable sources relating to the consequences of withdrawing from school without completing all requirements for a high school diploma. Such form shall include information relating to the opportunity to pursue a general educational development (GED) diploma and the consequences of not having earned a high school diploma, including lower lifetime earnings, fewer jobs for which the student will be qualified, and the inability to avail oneself of higher educational opportunities. Each local school superintendent shall provide such forms and information to all of its principals of schools serving grades six through twelve for the principals to use during the required conference with the child and parent or legal guardian."

SECTION 2.

Said subpart is further amended by striking Code Section 20-2-691, relating to minimum annual attendance required, and inserting in its place the following:

"20-2-691.

The minimum session of annual school attendance required under this subpart shall be for the full session or sessions of the school which the child is eligible to attend. Such attendance shall not be required where the child has successfully completed all requirements for a high school diploma ~~grades~~."

SECTION 3.

Said subpart is further amended by striking Code Section 20-2-693, relating to exemptions to compulsory attendance, and inserting in its place the following:

"20-2-693.

(a) ~~Children between their seventh and sixteenth birthdays~~ during the ages of mandatory attendance as required in subsection (a) of Code Section 20-2-690.1 who are excused from attendance in public school by county or independent school system boards in accordance with general policies and regulations promulgated by the State Board of Education shall be exempt from this subpart. The state board, in promulgating its general policies and regulations, shall take into consideration sickness and other emergencies which may arise in any school community.

(b) Children ~~between their seventh and sixteenth birthdays~~ during the ages of mandatory attendance as required in subsection (a) of Code Section 20-2-690.1 who are excused from attendance at private schools or home study programs for sickness or emergencies or for other reasons substantially the same as the reasons for excused absences from attendance at public school authorized by state board policy pursuant to subsection (a) of this Code section shall be exempt from this subpart."

SECTION 3.1.

Part 5 of Article 22 of Chapter 2 of Title 20, relating to school buses, is amended by striking Code Section 20-2-1127, relating to a schedule of school bus routes, in its entirety and inserting in place thereof the following:

"20-2-1127.

~~Each public school system in this state shall make accessible a schedule of school bus routes that indicate the morning pickup route beginning time and the afternoon school bell time as well as the total number of stops on each school bus route. The time for the bus arrival at each stop will be commensurate with the route beginning time and prescribed stop sequence, except in unforeseen circumstances. This provision shall not apply to portal-to-portal special needs student transportation or special alternative instructional transportation programs~~ Reserved."

SECTION 4.

Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to school attendance, is amended by inserting a new subpart to be designated Subpart 2A to read as follows:

"Subpart 2A

20-2-705.

(a) As used in this Code section, the term:

(1) 'Clubs and organizations' means clubs and organizations comprised of students who wish to organize and meet for common goals, objectives, or purposes and which is directly under the sponsorship, direction, and control of the school. This term shall include any activities reasonably related to such clubs and organizations, but shall not include competitive interscholastic activities or events.

(2) 'Competitive interscholastic activity' means functions held under the auspices or sponsorship of a school that involves its students in competition between individuals or groups representing two or more schools. This term shall include cheerleading, band, and chorus.

(b) Each local board of education shall adopt policies and procedures for notifying parents or legal guardians of students regarding school clubs and organizations and for providing an opportunity for parents or legal guardians to withhold permission for a child to join or participate in clubs and organizations.

(c) An annual notification utilizing the student handbook or other appropriate method regarding school clubs and organizations shall include without limitation the name of

the club or organization, mission or purpose of the club or organization, name of the club's or organization's faculty advisor, and a description of past or planned activities. Similar notification shall also be provided for clubs and organizations created or started during the school year."

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Y Setzler
Barnes	Y Dickson	Y Howard, E	Y Meadows	Shaw
Y Bearden	Dodson	Y Hudson	Millar	Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Jamieson	Y Mosby	Smith, L
E Borders	E Epps	Y Jenkins	E Mosley	Y Smith, P
Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	E Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	E Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	E Lane, R	E Ralston	Y Walker
Y Casas	E Greene	Y Lewis	Y Randall	Y Warren
Chambers	Hanner	Lindsey	Y Ray	Watson
Y Channell	Y Harbin	Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Lunsford	Rice	Y Williams, E
Y Coleman, B	E Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Rogers	Wix
Cooper	Y Henson	Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 141, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representatives Byrd of the 20th, Cooper of the 41st, Forster of the 3rd, and Rice of the 51st stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

SB 191. By Senators Tolleson of the 20th, Bulloch of the 11th, Johnson of the 1st and Pearson of the 51st:

A BILL to be entitled an Act to amend Code Section 12-2-2 of the Official Code of Georgia Annotated, relating to the Environmental Protection Division, the Environmental Advisory Council, duties of the council, its members, and the director of the division, procedure for aggrieved persons, and inspections, so as to provide for expedited review of certain applications for permits or variances performed by qualified professionals under contract with the division for such purpose; to repeal conflicting laws; and for other purposes

The following Committee substitute was read and adopted:

A BILL

To amend Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, so as to change certain provisions relating to the Environmental Protection Division, the Environmental Advisory Council, duties of the council, its members, and the director of the division, procedure for aggrieved persons, and inspections; to change certain provisions relating to permits for withdrawal, diversion, or impoundment of surface waters and monitoring, recording, and reporting water withdrawals; to change certain provisions relating to permits for groundwater withdrawals for farm uses, notice of transfer or modification in use or capacity, nonuse, suspension or modification, priority uses, reporting and measuring water withdrawals, and no effect on existing common or statutory law; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, is amended by striking paragraph (1) of subsection (c) of Code Section 12-2-2, relating to the Environmental Protection Division, the Environmental Advisory Council,

duties of the council, its members, and the director of the division, procedure for aggrieved persons, and inspections, and inserting in lieu thereof the following:

"(c)(1)(A) The director shall issue all orders and shall grant, deny, revoke, or amend all permits or variances provided for in the laws to be enforced by the division. The director shall also issue any certification which is required by any law of this state or the United States to be issued by the director, the Department of Natural Resources, or the State of Georgia relating to pollution control facilities or matters. The director shall notify all permit or variance applicants within 30 days of receipt of the application as to the completeness of the application and, if the director finds the same to be incomplete, what specific additional materials the applicant need submit to make the application complete. The director shall grant or deny any permit or variance within 90 days after receipt of all required application materials by the division, provided that the director may for any application order not more than one extension of time of not more than 60 days within which to grant or deny the permit or variance.

(B)(i) The director may identify professionals qualified to review certain permit applications in accordance with rules and regulations adopted by the board of the Department of Natural Resources.

(ii) A permit applicant may retain a qualified professional to review an application prior to submittal to the division. If the qualified professional certifies an application as complete, the division shall act expeditiously on the application.

(iii) A qualified professional certifying an application shall be independent of any professional preparing the application.

(iv) The applicant shall directly pay the fees of the qualified professional.

(v) The director may remove the qualified status of a professional if the professional provides a certification for an inaccurate application.

(C) When any application for a permit or variance is pending before the director and the director has not either granted or denied the permit or variance within the time specified for the director to do so, the director shall immediately refund any and all fees which were required to be submitted by the applicant as a condition of the permit application, except for fees required to be levied pursuant to federal law. Such fee refund shall not otherwise affect the application process, and the application shall be granted, denied, or otherwise handled as it otherwise would have been, except that the fee requirement shall be waived."

SECTION 2.

Said title is further amended by striking paragraph (3) of subsection (a) of Code Section 12-5-31, relating to permits for withdrawal, diversion, or impoundment of surface waters and monitoring, recording, and reporting water withdrawals, and inserting in lieu thereof the following:

"(3) Notwithstanding any other provision of this Code section to the contrary, a permit for the withdrawal or diversion of surface waters for farm uses shall be issued by the director to any person when the applicant submits an application which

provides reasonable proof that the applicant's farm use of surface waters occurred prior to July 1, 1988, and when any such application is submitted prior to July 1, 1991. If submitted prior to July 1, 1991, an application for a permit to be issued based upon farm uses of surface waters occurring prior to July 1, 1988, shall be granted for the withdrawal or diversion of surface waters at a rate of withdrawal or diversion equal to the greater of the operating capacity in place for withdrawal or diversion on July 1, 1988, or, when measured in gallons per day on a monthly average for a calendar year, the greatest withdrawal or diversion capacity during the five-year period immediately preceding July 1, 1988. If submitted after July 1, 1991, or, regardless of when submitted, if it is based upon a withdrawal or diversion of surface waters for farm uses occurring or proposed to occur on or after July 1, 1988, an application shall be subject to evaluation and classification pursuant to subsections (e), (f), and (g) of this Code section, but a permit based upon such evaluation and classification shall be issued to ensure the applicant's right to a reasonable use of such surface waters. Any permit issued pursuant to this paragraph shall be conditioned upon the requirement that the permittee shall provide, on forms prescribed by the director, information relating to a general description of the lands and number of acres subject to irrigation and the permit; a description of the general type of irrigation system used; the source of withdrawal water such as river, stream, or impoundment; and pump information, including rated capacity, pump location, and power information. Applications under this paragraph submitted on or after the effective date of this paragraph for farm use within the Flint River basin shall be assessed a nonrefundable application fee in the amount of \$250.00 per application. Permits issued applied for under this paragraph shall have no term and on or after the effective date thereof for farm use in the Flint River basin shall have a term of 25 years and shall be renewed at the original permitted capacity unless an evaluation of the water supply by the division indicates that renewal at the original capacity would have unreasonable adverse effects upon other water uses. The division may renew the original permit at a lower capacity, but such capacity shall be based on the reasonable use of the permittee and evaluation of the resource. All permits issued under this paragraph may be transferred or assigned to subsequent owners of the lands which are the subject of such permit; provided, however, that the division shall receive written notice of any such transfer or assignment. Any modification in the use or capacity conditions contained in the permit or in the lands which are the subject of such permit shall require the permittee to submit an application for review and approval by the director consistent with this Code section. Nothing in this paragraph shall be construed as a repeal or modification of Code Section 12-5-46."

SECTION 3.

Said title is further amended by in subsection (k) of said Code Section 12-5-31 by adding a new paragraph to read as follows:

"(6.1) The director may permanently revoke any permit under this Code section for farm use within the Flint River Basin applied for on or after the effective date of this

paragraph if initial use for the purpose indicated on the permit application, as measured by a flow meter approved by the State Soil and Water Conservation Commission, has not commenced within two years of the date of issuance of the permit unless the permittee can reasonably demonstrate that his or her nonuse was due to financial hardship or circumstances beyond his or her control."

SECTION 4.

Said title is further amended by striking subsections (a) and (b) of Code Section 12-5-105, relating to permits for groundwater withdrawals for farm uses, notice of transfer or modification in use or capacity, nonuse, suspension or modification, priority uses, reporting and measuring water withdrawals, and no effect on existing common or statutory law, and inserting in lieu thereof the following:

"(a) Notwithstanding any provisions of Code Section 12-5-95, 12-5-96, or 12-5-97 to the contrary, a permit to withdraw, obtain, or utilize ground waters for farm uses, as that term is defined by paragraph (5.1) of Code Section 12-5-92, shall be issued by the director to any person when the applicant submits an application which provides reasonable proof that the applicant's farm use of ground water occurred prior to July 1, 1988, and when such application is submitted prior to July 1, 1991. If submitted prior to July 1, 1991, an application for a permit to be issued based upon farm uses of ground water occurring prior to July 1, 1988, shall be granted for the withdrawal of ground water at a rate of withdrawal equal to the greater of the operating capacity in place for withdrawal on July 1, 1988, or, when measured in gallons per day on a monthly average for a calendar year, the greatest withdrawal capacity during the five-year period immediately preceding July 1, 1988. If submitted after July 1, 1991, or, regardless of when submitted, if it is based upon a withdrawal of ground water for farm uses occurring or proposed to occur on or after July 1, 1988, an application shall be subject to evaluation and classification pursuant to Code Sections 12-5-96 and 12-5-97, but a permit based upon such evaluation and classification shall be issued to ensure the applicant's right to a reasonable use of such ground water. Applications under this Code section submitted on or after the effective date of this subsection for farm use within the Flint River basin shall be assessed a nonrefundable application fee in the amount of \$250.00 per application. Any permit issued pursuant to this Code section shall be further conditioned upon the requirement that the permittee shall provide, on forms prescribed by the director, information relating to a general description of the lands and number of acres subject to irrigation and the permit; the name and address of the permittee; a description of the general type of irrigation system used; well construction; and pump information, including rated capacity, pump setting depth, and power information.

(b) Notwithstanding any provisions of Code Section 12-5-95, 12-5-96, or 12-5-97 to the contrary, permits to withdraw, obtain, or utilize ground waters for farm uses, as that term is defined in paragraph (5.1) of Code Section 12-5-92, whether for new withdrawals or under subsection (a) of this Code section, shall be governed as follows:

(1) A permit issued, modified, or amended after July 1, 2003, for farm uses shall have annual reporting requirements ~~and no term and~~. Permits applied for under this Code section on or after the effective date of this subsection for farm use within the Flint River basin shall have a term of 25 years and shall be renewed at the original permitted capacity unless an evaluation of the water supply by the division indicates that renewal at the original capacity would have unreasonable adverse effects upon other water uses. The division may renew the original permit at a lower capacity, but such capacity shall be based on the reasonable use of the permittee and evaluation of the resource. All permits issued under this Code section may be transferred or assigned to subsequent owners of the lands which are the subject of such permit; provided, however, that the division shall receive written notice of any such transfer or assignment, and any modification in the use or capacity conditions contained in the permit or in the lands which are the subject of such permit shall require the permittee to submit an application for review and approval by the director consistent with the requirements of this part;

(2) Permits for farm use, after initial use has commenced, shall not be revoked, in whole or in part, for nonuse; except that the director may permanently revoke any permit under this Code section for farm use within the Flint River Basin applied for on or after the effective date of this paragraph if initial use for the purpose indicated on the permit application, as measured by a flow meter approved by the State Soil and Water Conservation Commission, has not commenced within two years of the date of issuance of the permit unless the permittee can reasonably demonstrate that his or her nonuse was due to financial hardship or circumstances beyond his or her control;

(3) The director may suspend or modify a permit for farm use if he or she should determine through inspection, investigations, or otherwise that the quantity of water allowed would prevent other applicants from reasonable use of ground water beneath their property for farm use;

(4) During emergency periods of water shortage, the director shall give first priority to providing water for human consumption and second priority to farm use; and

(5) The importance and necessity of water for industrial purposes are in no way modified or diminished by this Code section."

SECTION 5.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Martin	Y Sailor
Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Y Setzler
Barnes	Y Dickson	Y Howard, E	Y Meadows	Shaw
Y Bearden	Dodson	Y Hudson	Millar	Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Jacobs	Y Morgan	Y Sinkfield
Y Black	Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Jamieson	Y Mosby	Y Smith, L
E Borders	E Epps	Y Jenkins	E Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	E Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	E Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	E Lane, R	Y Ralston	Y Walker
Y Casas	E Greene	Y Lewis	Y Randall	Y Warren
Chambers	Y Hanner	Y Lindsey	Y Ray	Watson
Y Channell	Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	E Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Rogers	Y Wix
Cooper	Y Henson	Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 146, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representatives Byrd of the 20th, Jacobs of the 80th, and Scott of the 153rd stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

Representative Scott of the 153rd District, Chairman of the Committee on Governmental Affairs, submitted the following report:

Mr. Speaker:

Your Committee on Governmental Affairs has had under consideration the following Bills of the Senate and has instructed me to report the same back to the House with the following recommendations:

SB 552 Do Pass, by Substitute
SB 553 Do Pass, by Substitute

Respectfully submitted,
/s/ Scott of the 153rd
Chairman

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has passed by substitute, by the requisite constitutional majority, the following bill of the House:

HB 1059. By Representatives Keen of the 179th, Ralston of the 7th, Burkhalter of the 50th, Freeman of the 140th, Thomas of the 55th and others:

A BILL to be entitled an Act to amend Titles 16, 17, 35, and 42 of the O.C.G.A., relating respectively to crimes and offenses, criminal procedure, law enforcement officers and agencies, and penal institutions, so as to change provisions relating to sexual offenders; to change punishment provisions, registration requirements, and areas where certain offenders can reside as it affects sexual offenders; to change certain provisions relating to punishment of serious violent offenders and increase the mandatory minimum term of imprisonment for certain offenses; to require persons convicted of certain sexual crimes to receive a mandatory split sentence including a minimum sentence of imprisonment; to reorganize and change provisions related to the State Sexual Offender Registry; to provide for other related matters; to repeal conflicting laws; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bills of the Senate were taken up for consideration and read the third time:

SB 570. By Senator Carter of the 13th:

A BILL to be entitled an Act to amend Code Section 40-8-73.1 of the

Official Code of Georgia Annotated, relating to affixing of materials which reduce light transmission or increase light reflectance through windows or windshields of motor vehicles, so as to authorize a person who is a certified optometrist to provide an attestation in support of a medical exemption for restrictions to limitations on reducing light transmission or increasing light reflectance on windows of motor vehicles; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Houston	McClinton	Y Setzler
Barnes	Y Dickson	Y Howard, E	Meadows	Shaw
N Bearden	Dodson	Y Hudson	Millar	Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
N Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Jamieson	Y Mosby	Smith, L
E Borders	E Epps	Y Jenkins	E Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	E Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Talton
Y Burmeister	Y Gardner	E Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	E Lane, R	Y Ralston	Y Walker
Y Casas	E Greene	Y Lewis	Y Randall	Y Warren
Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Hatfield	Y Loudermilk	Y Reece, S	Willard
E Coan	Y Heard, J	Lucas	Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Williams, E
Y Coleman, B	E Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Mangham	Y Rogers	Y Wix
Cooper	Y Henson	Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, the ayes were 139, nays 2.

The Bill, having received the requisite constitutional majority, was passed.

Representative Byrd of the 20th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

SB 177. By Senators Tate of the 38th and Fort of the 39th:

A BILL to be entitled an Act to amend Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to the Teachers Retirement System of Georgia, so as to change the benefit formula for the Teachers Retirement System of Georgia from 2 percent to 2.5 percent; to provide a postretirement benefit adjustment; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Y Setzler
Barnes	Y Dickson	Y Howard, E	Y Meadows	Shaw
Y Bearden	Dodson	Y Hudson	Millar	Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Jamieson	Y Mosby	Smith, L
E Borders	E Epps	Y Jenkins	E Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Mumford	Y Smith, R
Y Brooks	Y Fleming	Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	E Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	E Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	E Lane, R	Y Ralston	Y Walker
Y Casas	E Greene	Y Lewis	Y Randall	Y Warren
Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson

Y Cheokas	Hatfield	Y Loudermilk	Y Reece, S	Willard
E Coan	Y Heard, J	Y Lucas	Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	E Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Cooper	Y Henson	Manning	Y Royal	Y Yates
Y Cox	Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, the ayes were 145, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

Representative Byrd of the 20th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

SB 545. By Senators Mullis of the 53rd, Thomas of the 54th, Douglas of the 17th, Balfour of the 9th, Heath of the 31st and others:

A BILL to be entitled an Act to amend Code Section 16-12-51 of the Official Code of Georgia Annotated, relating to definitions regarding bingo games, so as to provide a definition of nonprofit, tax-exempt organization; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Hill, C.A	Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Y Setzler
Barnes	Y Dickson	Y Howard, E	Y Meadows	Shaw
Y Bearden	Dodson	Y Hudson	Millar	Sheldon
Y Beasley-Teague	Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Morgan	Y Sinkfield
Y Black	Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Jamieson	Y Mosby	Smith, L
E Borders	E Epps	Y Jenkins	E Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Smith, V
Bruce	E Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Keen	Y O'Neal	Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton

Y Burmeister	Y Gardner	E Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Byrd	Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	E Lane, R	Ralston	Y Walker
Y Casas	E Greene	Y Lewis	Y Randall	Y Warren
Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Willard
E Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	E Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Cooper	Y Henson	Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, the ayes were 141, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

Representative Byrd of the 20th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has disagreed to the House substitute to the following bill of the Senate:

SB 529. By Senators Rogers of the 21st, Hamrick of the 30th, Douglas of the 17th, Schaefer of the 50th, Seabaugh of the 28th and others:

A BILL to be entitled an Act to amend Title 13 of the O.C.G.A., relating to contracts, Title 16 of the O.C.G.A., relating to crimes and offenses, Title 34 of the O.C.G.A., relating to labor, Title 35 of the O.C.G.A., relating to law enforcement, and Title 50 of the O.C.G.A., relating to state government, so as to provide for the comprehensive regulation of persons in this state who are not lawfully present in the United States; to provide for a short title; to provide for statutory construction; to provide for procedures and requirements applicable to certain contracts or subcontracts; to prohibit certain retaliation; to provide for enforcement, penalties, and exceptions; to provide for offenses regarding involuntary servitude, trafficking of persons for forced labor or services, and sexual servitude of a minor; to provide for related matters; to provide for effective dates; to provide for applicability; to repeal conflicting laws; and for other purposes.

The Senate has passed by substitute, by the requisite constitutional majority, the following bills of the House:

HB 194. By Representatives Martin of the 47th, Burkhalter of the 50th, Amerson of the 9th, Royal of the 171st, Ashe of the 56th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of income tax, so as to provide for income tax credits with respect to teleworking for a limited period of time; to provide for definitions; to provide for conditions, limitations, and exclusions; to provide for powers, duties, and authority of the state revenue commissioner with respect to the foregoing; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

HB 111. By Representative O'Neal of the 146th:

A BILL to be entitled an Act to amend Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use taxes, so as to change certain definitions regarding such taxes; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1313. By Representatives Golick of the 34th, Willard of the 49th, Richardson of the 19th, Roberts of the 154th, Smith of the 129th and others:

A BILL to be entitled an Act to amend Title 8 of the O.C.G.A., relating to buildings and housing, Title 22 of the O.C.G.A., relating to eminent domain, and Title 36 of the O.C.G.A., relating to local government, so as to provide for the comprehensive revision of provisions regarding eminent domain; to provide for a short title; to change certain provisions regarding a housing authority's eminent domain power; to change certain language relating to blighted areas; to provide for a new definition of blighted areas; to change certain provisions regarding housing authorities' power of eminent domain; to amend Chapter 3 of Title 23 of the O.C.G.A., relating to equitable remedies and proceedings, so as to grant standing to municipalities and counties to seek certain equitable remedies and proceedings; to repeal conflicting laws; and for other purposes.

The Senate has adopted as amended, by the requisite constitutional majority, the following resolution of the House:

HR 1306. By Representatives Golick of the 34th, Willard of the 49th, Richardson of the 19th, Roberts of the 154th, Smith of the 129th and others:

A RESOLUTION proposing an amendment to the Constitution so as to require that the condemnation of property for redevelopment purposes must be approved by vote of the elected governing authority of the county or city in which the property is located; to restrict the use of eminent domain for redevelopment purposes to the elimination of affirmative harm; to provide that the use of eminent domain by counties and municipalities shall be subject to limitation by general law; to prohibit the use of eminent domain by certain nonelected local authorities; to provide for submission of this amendment for ratification or rejection; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bill of the Senate, having previously been read, was again taken up for consideration:

SB 150. By Senators Zamarripa of the 36th, Williams of the 19th, Reed of the 35th, Moody of the 56th, Adelman of the 42nd and others:

A BILL to be entitled an Act to provide a short title; to amend Part 1 of Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated, relating to general provisions relative to the State Road and Tollway Authority, so as to provide that the authority shall implement a program to provide for the development and expansion of streetcar transportation and attendant economic and community development opportunities; to provide for related matters; to provide an effective date; to repeal a specific law; to repeal conflicting laws; and for other purposes.

The amendment offered by Representative Davis of the 109th, having been previously read, was withdrawn.

The Committee substitute, as amended, was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, as amended.

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	N Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	N Maxwell	Y Scheid
E Anderson	N Davis	Y Holt	N May	Y Scott, A
Y Ashe	Y Day	N Horne	N McCall	N Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Y Setzler
Barnes	Y Dickson	Y Howard, E	N Meadows	Shaw
N Bearden	Dodson	Y Hudson	Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C

Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
N Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Jamieson	Y Mosby	Y Smith, L
E Borders	E Epps	Y Jenkins	E Mosley	Y Smith, P
N Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	N Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Bruce	E Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	N Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	E Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	N Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	N Lakly	Y Porter	Y Thomas, B
N Byrd	Y Graves, D	Y Lane, B	Y Powell	Tumlin
Y Carter	N Graves, T	E Lane, R	N Ralston	Y Walker
Y Casas	E Greene	N Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	N Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	E Reese	Y Williams, A
N Cole	Y Heard, K	N Lunsford	Y Rice	Y Williams, E
Y Coleman, B	E Heckstall	Y Maddox	N Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
N Cox	Y Hill, C	Y Marin	N Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 131, nays 25.

The Bill, having received the requisite constitutional majority, was passed, by substitute, as amended.

Representative Cox of the 102nd stated that he inadvertently voted "nay" on the preceding roll call. He wished to be recorded as voting "aye" thereon.

The following Bills of the House were taken up for the purpose of considering the Senate substitutes or amendment thereto:

HB 718. By Representative Lindsey of the 54th:

A BILL to be entitled an Act to amend Article 4 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to pretrial intervention and diversion programs, so as to allow certain courts to create and administer pretrial intervention and diversion programs; to provide for court costs; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL

To amend Article 4 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to pretrial intervention and diversion programs, so as to allow certain courts to create and administer pretrial intervention and diversion programs; to provide for court costs; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 4 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to pretrial intervention and diversion programs, is amended by striking subsections (a), (f), and (g) of Code Section 15-18-80, relating to policy and procedure, and inserting in their respective places the following:

"(a) The prosecuting attorneys for each judicial circuit of this state shall be authorized to create and administer a Pretrial Intervention and Diversion Program. The prosecuting attorney for state courts, probate courts, magistrate courts, municipal courts, and any other court that hears cases involving a violation of the criminal laws of this state or ordinance violations shall also be authorized to create and administer a Pretrial Intervention and Diversion Program for offenses within the jurisdiction of such courts."

"(f) The prosecuting attorney shall be authorized to assess and collect from each offender who enters the program a fee not to exceed \$300.00 for the administration of the program. Any fee collected under this subsection shall be made payable to the general fund of the ~~county in which the crime is committed~~ political subdivision in which the case is being prosecuted.

(g) The prosecuting attorney shall be further authorized to collect restitution on behalf of victims. Any restitution collected under this subsection shall be made payable to and disbursed by the clerk of the court ~~in the county~~ in which the case would be prosecuted."

SECTION 2.

Said article is further amended by striking Code Section 15-18-81, relating to court costs, and inserting in lieu thereof the following:

"15-18-81.

The prosecuting attorney may assess court costs against the defendant for the dismissal of criminal warrants when the affiant is not a peace officer. Any fee collected under this subsection shall be made payable to the general fund of the ~~county in which the crime is committed~~ political subdivision in which the case is being prosecuted."

SECTION 3.

Said article is further amended by adding a new Code section to the end of the article to read as follows:

"15-18-82.

As used in this article, the term 'prosecuting attorney' means the individual responsible for prosecuting cases in superior courts, state courts, probate courts, magistrate courts, municipal courts, and any other court that hears cases involving a violation of the criminal laws of this state or ordinance violations."

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

Pursuant to Rule 133, Representative Cox of the 102nd was excused from voting on HB 718.

Representative Lindsey of the 54th moved that the House agree to the Senate substitute to HB 718.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Dean	Y Houston	McClinton	Setzler
Barnes	Y Dickson	Y Howard, E	Y Meadows	Shaw
Y Bearden	Dodson	Y Hudson	Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Jamieson	Y Mosby	Y Smith, L
E Borders	E Epps	Y Jenkins	E Mosley	Y Smith, P
Y Bridges	Everson	Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Bruce	E Floyd, J	Y Jones, S	Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	E Lane, R	Y Ralston	Y Walker
Y Casas	E Greene	Y Lewis	Y Randall	Y Warren
Chambers	Hanner	Y Lindsey	Ray	Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Hatfield	Loudermilk	Y Reece, S	Y Willard

E Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	E Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Yates
Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the motion, the ayes were 145, nays 0.

The motion prevailed.

HB 1253. By Representatives Rice of the 51st, Murphy of the 23rd, Talton of the 145th and Dollar of the 45th:

A BILL to be entitled an Act to amend Chapter 5 of Title 40 of the O.C.G.A., relating to drivers' licenses, so as to provide for reinstatement of a minor's license upon proof of graduation from high school; to provide that social security numbers shall not be used on driver's licenses; to provide for a suspension for violation of restrictions on a driver's license; to add a license suspension for failure to appear in a federal court in this state; to clarify the habitual violator permit eligibility provisions; to provide for confidentiality of medical reports used for medical revocation of a driver's license; to change the times relating to restoring full driving privileges from a limited driving permit; to clarify that trafficking is grounds for a driver's license suspension; to amend Chapter 6 of Title 40 of the O.C.G.A., relating to the uniform rules of the road, so as to clarify the penalty for racing on a highway; to provide for related matters; to repeal conflicting laws; to provide for an effective date; and for other purposes.

The following Senate substitute was read:

A BILL

To amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, so as to provide for sharing of information with courts and other agencies regarding license information; reinstatement of a minor's license upon proof of graduation from high school; to provide that social security numbers shall not be used on drivers' licenses; to provide for a suspension for violation of restrictions on a driver's license; to require implementation of electronic transmission of uniform traffic citations to the Department of Driver Services; to add a license suspension for failure to appear in a federal court in this state; to clarify the habitual violator permit eligibility provisions; to provide for confidentiality of medical reports used for medical revocation of a driver's license; to provide that each violation of a provision that leads to a license suspension is

treated as a separate transaction; to change the times relating to restoring full driving privileges from a limited driving permit; to clarify that trafficking is grounds for a driver's license suspension; to provide a penalty for driving a vehicle in violation of an out of service order; to provide that applicants for commercial drivers' licenses must take the Highway Watch safety and security program; to allow for issuance of nonresident commercial drivers' licenses; to clarify the requirements for commercial drivers' licenses with a hazardous materials endorsement; to amend Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to the uniform rules of the road, so as to clarify the penalty for racing on a highway; to provide that a speeding conviction must specify the amount by which the speed limit was exceeded; to provide for related matters; to repeal conflicting laws; to provide for an effective date; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, is amended by striking subparagraph (c)(1)(D) of Code Section 40-5-2, relating to maintaining records of applicants for drivers' licenses, in its entirety and inserting in its place the following:

"(D) To a judge, prosecuting official, or law enforcement agency for use in investigations or prosecutions of alleged criminal or unlawful activity, or to the driver's licensing agency of another state; ~~provided, however, that notwithstanding the definition of personal information under Code Section 40-5-1, personal information furnished to the driver's licensing agency of another state shall be limited to name, address, driver identification number, and medical or disability information;~~"

SECTION 2.

Said chapter is further amended by striking the undesignated text following division (a.1)(2)(C)(v) of Code Section 40-5-22, relating to minimum age for licensees, school attendance requirements, and driving training requirements, in its entirety and inserting in its place the following:

"Notice given by certified mail or statutory overnight delivery with return receipt requested mailed to the person's last known address shall be prima-facie evidence that such person received the required notice. Such notice shall include instructions to the minor to return immediately the instruction permit or driver's license to the department and information summarizing the minor's right to request an exemption from the provisions of this subsection. The minor so notified may request in writing a hearing within ten business days from the date of receipt of notice. Within 30 days after receiving a written request for a hearing, the department shall hold a hearing as provided for in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' After such hearing, the department shall sustain its order of suspension or rescind such order. The department shall be authorized to grant an exemption from the

provisions of this subsection to a minor, upon such minor's petition, if there is clear and convincing evidence that the enforcement of the provisions of this subsection upon such minor would create an undue hardship upon the minor or the minor's family or if there is clear and convincing evidence that the enforcement of the provisions of this subsection would act as a detriment to the health or welfare of the minor. Appeal from such hearing shall be in accordance with said chapter. If no hearing is requested within the ten business days specified above, the right to a hearing shall have been waived and the instruction permit or driver's license of the minor shall remain suspended. The suspension provided for in this paragraph shall be for a period of one year or shall end upon the date of such minor's eighteenth birthday or upon receipt of satisfactory proof that the minor is pursuing or has received a general educational development (GED) diploma, a high school diploma, a special diploma, a certificate of high school completion, or has terminated his or her secondary education and is enrolled in a postsecondary school, whichever comes first."

SECTION 3.

Said chapter is further amended by striking Code Section 40-5-28.1, relating to use of social security numbers on drivers' licenses, in its entirety and inserting in its place the following:

"40-5-28.1.

No license or permit issued or renewed on or after ~~July 1, 1997~~ January 1, 2007, pursuant to this article shall contain the social security number of the licensee or permit holder ~~unless such person specifically requests the use of such number.~~"

SECTION 4.

Said chapter is further amended by striking subsection (c) of Code Section 40-5-30, relating to restricted drivers' licenses, in its entirety and inserting in its place the following:

"(c) The department, upon receiving satisfactory evidence of any violation of the restrictions of such license, may ~~revoke~~ suspend the license, ~~but the licensee shall be entitled to a hearing as upon a revocation under subsection (c) of Code Section 40-5-59 for a period of six months.~~ No person shall operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him or her."

SECTION 5.

Said chapter is further amended by striking subsection (b) of Code Section 40-5-53, relating to when courts have to send drivers' licenses and reports of convictions to the department, and inserting a new subsection (b) to read as follows:

"(b) Every court in each county of this state having jurisdiction over offenses committed under this chapter and Chapter 6 of this title or any other law of this state or ordinance adopted by a local authority regulating the operation of motor vehicles on highways shall forward to the department, within ten days after the conviction of any

person in such court for a violation of any such law other than regulations governing speeding in a noncommercial motor vehicle for which no points are assigned under Code Section 40-5-57, standing, or parking, a uniform citation form authorized by Article 1 of Chapter 13 of this title. Notwithstanding any other provision of this title, in satisfaction of the reporting requirement of this subsection, the courts of this state shall transmit the information contained on the uniform citation form by electronic means, using the electronic reporting method approved by the department. The department shall pay to the clerk of the court forwarding the required report 40¢ for each report transmitted electronically in a timely manner as required in this subsection; and notwithstanding any general or local law to the contrary, the clerk shall pay such fees over to the general fund of the city or county operating the court. ~~Where a court has not implemented transmittal by electronic means, the commissioner may require such court or courts to submit by electronic means no later than a future date to be determined by the commissioner."~~

SECTION 6.

Said chapter is further amended by striking Code Section 40-5-56, relating to driver's license suspensions for failure to respond to a citation and appear before a court of competent jurisdiction, in its entirety and inserting in its place the following:

"40-5-56.

(a) Notwithstanding any other provisions of this chapter or any other law to the contrary, the department shall suspend the driver's license or privilege to operate a motor vehicle in this state of any person who has failed to respond to a citation to appear before a court of competent jurisdiction ~~of in~~ this state or ~~of in~~ any other state for a traffic violation other than a parking violation. ~~The department shall forthwith notify such person that his license is to be suspended subject to review as provided for in this chapter.~~

(b) ~~The person so notified may request a hearing within ten days from the date of receipt of notice sent by registered mail or statutory overnight delivery. Within 30 days after receiving a written request for a hearing, the department shall hold a hearing as provided for in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' After such hearing, the department shall sustain its order of suspension or rescind such order. If no hearing is requested within the ten days specified above, the right to a hearing shall have been waived and the license of the driver shall be suspended.~~

(c) The suspension provided for in this Code section shall be for an indefinite period until such person shall respond and pay any fines and penalties imposed. Such person's license shall be reinstated if the person submits proof of payment of the fine from the court of jurisdiction and pays a restoration fee of \$35.00 or \$25.00 when such reinstatement is processed by mail to the department. Such suspension shall be in addition to any other suspension or revocation provided for in this chapter."

SECTION 7.

Said chapter is further amended by striking subparagraph (e)(1)(A) of Code Section 40-5-58, relating to habitual violators and probationary licenses, in its entirety and inserting in its place the following:

"(A) Such person has not been convicted, or pleaded nolo contendere to a charge, of violating any provision of this chapter, Chapter 6 of this title, or any local ordinance relating to the movement of vehicles for a period of two years immediately preceding the application for a probationary driver's license;"

SECTION 8.

Said chapter is further amended by enacting a new subsection (d) in Code Section 40-5-59, relating to reexamination of drivers believed to be incompetent or unqualified, to read as follows:

"(d) The reports required by this Code section shall be confidential and shall be used solely for the purpose of determining the qualifications of any person to drive a motor vehicle on the highways of this state. No civil or criminal action may be brought against any person or agency for providing the information to the department for the purposes of this Code section. The reports, or any reference to the reports, shall not be included in any abstract prepared pursuant to Code Section 40-5-2."

SECTION 9.

Said chapter is further amended by striking the introductory language of subsection (a) and subsection (d) of Code Section 40-5-63, relating to driver's license suspensions for certain offenses, in their entirety and inserting in their place, respectively, the following:

"(a) The driver's license of any person convicted of an offense listed in Code Section 40-5-54 or of violating Code Section 40-6-391, unless the driver's license has been previously suspended pursuant to Code Sections 40-5-67.1 and 40-5-67.2, shall by operation of law be suspended and such suspension shall be subject to the following terms and conditions; provided, however, that any person convicted of a drug related offense pursuant to Code Section 40-6-391 shall be governed by the suspension requirements of Code Section 40-5-75; and further provided that each charge for which a conviction was obtained shall be treated as a separate transaction for the purpose of imposing a license suspension hereunder, even if said convictions arise from a single incident."

"(d)(1) Any person convicted of violating subsection (a) of Code Section 40-6-393, relating to homicide by vehicle, or Code Section 40-6-394, relating to serious injury by vehicle, shall have his or her license suspended for a period of three years. Such person shall not be eligible for early reinstatement of said driver's license as provided in this Code section or in Article 4 of this chapter and shall not be eligible for a limited driving permit as provided in Code Section 40-5-64.

(2) For purposes of this subsection chapter, an accepted plea of nolo contendere to homicide by vehicle in the first degree or serious injury by vehicle any violation of Code Section 40-6-393 or 40-6-394 shall constitute a conviction."

SECTION 10.

Said chapter is further amended by striking subsection (e) of Code Section 40-5-64, relating to limited driving permits for certain offenders, in its entirety and inserting in its place the following:

"(e) *Duration of permit.* A permit issued pursuant to this Code section shall be \$25.00 and shall be nonrenewable and shall become invalid upon the driver's eighteenth birthday in the case of a suspension under paragraph (2) of subsection (a.1) of Code Section 40-5-22, upon the expiration of one year following ~~the effective date of suspension of the applicant's driver's license~~ issuance thereof in the case of a suspension for an offense listed in Code Section 40-5-54 or a suspension under Code Section 40-5-57, ~~upon the expiration of 120 days following conviction in the case of or~~ a suspension in accordance with paragraph (1) of subsection (a) of Code Section 40-5-63 for a violation of Code Section 40-6-391, upon the expiration of 30 days in the case of an administrative license suspension in accordance with paragraph (1) of subsection (a) of Code Section 40-5-67.2, or upon the expiration of six months following proof of installation of an ignition interlock device in the case of a limited driving permit issued to a person subject to a court order for installation and use of such a device pursuant to Article 7 of Chapter 8 of Title 42; except that such limited driving permit shall expire upon any earlier reinstatement of the driver's license. A person may apply to the department for a limited driving permit immediately following such conviction if he or she has surrendered his or her driver's license to the court in which the conviction was adjudged or to the department if the department has processed the citation or conviction. Upon the applicant's execution of an affidavit attesting to such facts and to the fact that the court had not imposed a suspension or revocation of his or her driver's license or driving privileges inconsistent with the driving privileges to be conferred by the limited driving permit applied for, the department may issue such person a limited driving permit."

SECTION 11.

Said chapter is further amended by striking the introductory language of subsection (a) of Code Section 40-5-75, relating to suspension of drivers' licenses by operation of law, in its entirety and inserting in its place the following:

"(a) The driver's license of any person convicted of any violation of the Georgia Controlled Substances Act, including, but not limited to, possession, distribution, manufacture, cultivation, sale, transfer of, trafficking in, the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, ~~or transfer or traffic in~~ a controlled substance or marijuana, ~~or driving or being in actual physical control of any moving vehicle while under the influence of such a substance in violation of subsection (b) of Code Section 16-13-2, subsection (a), (b), or (j) of Code Section 16-13-30, or Code Section 16-13-33; paragraph (2), (4), or (6) of subsection (a) of Code Section 40-6-391;~~ or the law of any other jurisdiction shall by operation of law be suspended and such suspension shall be subject to the following terms and conditions:"

SECTION 12.

Said chapter is further amended by striking subsection (b) of Code Section 40-5-121, relating to driving while license is suspended or revoked, in its entirety and inserting in its place the following:

~~"(b)(1) The charge of driving with a suspended or disqualified license shall not be made where the suspension is a result of a failure to respond under Code Section 40-5-56 or an insurance cancellation unless the arresting officer has verified a service date and such date is placed on the uniform citation. If the suspension or disqualification is verified and the driver possesses a driver's license, the license shall be confiscated and mailed to the department. If the suspension or disqualification is not verified, the arresting officer shall serve the driver and attach the driver's license, if available, to the copy of service and send it to the department.~~

(2) The department, upon receiving a record of the conviction of any person under this Code section upon a charge of driving a vehicle while the license of such person was suspended, disqualified, or revoked, including suspensions under subsection (f) of Code Section 40-5-75, shall extend the period of suspension or disqualification for six months. The court shall be required to confiscate the license, if applicable, and attach it to the uniform citation and forward it to the department within ten days of conviction. The period of suspension or disqualification provided for in this Code section shall begin on the date the person is convicted of violating this Code section."

SECTION 13.

Said chapter is further amended by striking subparagraph (C) of paragraph (7) and the undesignated text following said subparagraph (C) and paragraphs (9) and (22) of Code Section 40-5-142, relating to definitions relevant to commercial drivers' licenses, in their entirety and inserting in their respective places the following:

"(C) If the vehicle is transporting hazardous materials as designated under 49 U.S.C. Section 5103 and is required to be placarded in accordance with the Motor Carrier Safety Rules prescribed by the United States Department of Transportation, Title 49 C.F.R. Part 172, subpart F or is transporting any quantity of a material listed as a select agent or toxin in Title 42 C.F.R. Part 73;

provided, however, that for the purposes of this article, no agricultural vehicle, ~~military vehicle operated by military personnel~~ commercial vehicle operated by military personnel for military purposes, recreational vehicle, or fire-fighting or emergency equipment vehicle shall be considered a commercial vehicle. As used in this paragraph, the term 'agricultural vehicle' means a farm vehicle which is controlled and operated by a farmer, including operation by employees or family members; used to transport agricultural products, farm machinery, or farm supplies to or from a farm; and operated within 150 miles of such person's farm; which vehicle is not used in the operations of a ~~motor common or contract~~ carrier. Any other waiver by the ~~Federal Highway Administration~~ Federal Motor Carrier Safety Administration pursuant to Federal Law 49 C.F.R. Parts 383, ~~391, RIN 2125-AB-68, and 384~~ of the United States

Department of Transportation shall supersede state law in authorizing the Department of Driver Services to exempt said classes."

"(9) 'Conviction' means a an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, a finding of guilt, or the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated."

"(22) 'Serious traffic violation' means conviction of any of the following offenses when operating a commercial motor vehicle or a noncommercial motor vehicle:

- (A) Speeding 15 or more miles per hour above the posted speed limit;
- (B) Reckless driving, as defined under state or local law;
- (C) Following another vehicle too closely, as defined under state or local law;
- (D) Improper or erratic lane change which presents a risk to any other vehicle, but not including failure to signal a lane change;
- (E) A violation, arising in connection with a fatal crash, of state law or a local ordinance, relating to motor vehicle traffic control, excluding parking, weight, length, height, and vehicle defect violations;
- (F) A railroad grade crossing violation as defined under state law or local ordinance;
- (G) Driving a commercial motor vehicle without obtaining a commercial driver's license;
- (H) Driving a commercial motor vehicle without a valid commercial driver's license in the driver's immediate possession; or
- (I) Driving a commercial motor vehicle without a commercial driver's license of the proper class and/or endorsements for the specific vehicle being operated or for the passengers or type of cargo transported."

SECTION 14.

Said chapter is further amended by striking subsection (b) of Code Section 40-5-146, relating to operation of a commercial motor vehicle without valid license or driving privilege, in its entirety and inserting in its place the following:

"(b)(1) No person may drive a commercial motor vehicle while his or her driving privilege is suspended, revoked, or canceled, or while subject to a disqualification;
 (2) No person may drive a commercial motor vehicle ~~or~~ in violation of an out of service order."

SECTION 15.

Said chapter is further amended by striking paragraph (1) of subsection (a) of Code Section 40-5-147, relating to the requirements for issuing a commercial driver's license or instruction permit, in its entirety and inserting in its place the following:

"(a)(1) Except as provided in Code Section 40-5-148, no person may be issued a commercial driver's license unless that person is a resident of this state, is at least 18 years of age, has passed a knowledge and skills test for driving a commercial motor vehicle which complies with minimum federal standards established by federal regulations enumerated in 49 C.F.R. Part 383, subparts G and H, has completed the Highway Watch safety and security training program or its federally designated successor program and is properly registered with the same, and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986, Title XII of Public Law 99-570, in addition to any other requirements imposed by state law or federal regulation. The tests shall be prescribed and conducted by the department in English only."

SECTION 16.

Said chapter is further amended by adding a new Code section to read as follows:

"40-5-148.2.

If an individual is a resident of another state while that other state is prohibited from issuing commercial drivers' licenses pursuant to 49 C.F.R. Section 384.405, that individual is eligible to obtain a nonresident commercial driver's license. The individual shall provide the information specified in Code Section 40-5-149. The department shall promulgate rules and regulations as necessary to implement this Code section within 90 days of being notified that a state will be prohibited from issuing commercial drivers' licenses."

SECTION 17.

Said chapter is further amended by adding a new subsection (i) to Code Section 40-5-150, relating to contents, classifications, endorsements, and restrictions on commercial drivers' licenses, to read as follows:

"(i)(1) Before issuing, renewing, upgrading, or transferring a commercial driver's license with a hazardous materials endorsement, the department shall obtain a Transportation Security Administration determination that the individual does not pose a security risk warranting denial of the endorsement. The department shall promulgate rules and regulations as necessary to implement this subsection.

(2) If, after issuing a commercial driver's license bearing a hazardous materials endorsement, the department receives notification that the Transportation Security Administration has determined that the holder thereof poses a security risk, it shall cancel the commercial driver's license. The department may issue a new commercial driver's license without a hazardous materials endorsement to said licensee upon surrender of the license bearing the cancelled endorsement.

(3) If a person to whom the department previously issued a commercial driver's license with a hazardous materials endorsement has provided all of the required information to the Transportation Security Administration for the completion of a security threat assessment, but the Transportation Security Administration has not provided a Determination of No Security Threat or a Final Determination of Threat

Assessment before the expiration date of said commercial driver's license, the department may renew the commercial driver's license for a period of 90 days if the licensee wishes to retain the hazardous materials endorsement. Notwithstanding the foregoing, the person's commercial driver's license may be renewed for the full renewal period if the licensee wishes to drop the hazardous materials endorsement.

(4) If a person to whom another state previously issued a commercial driver's license with a hazardous materials endorsement applies prior to the expiration thereof to transfer said license, the department may issue a temporary commercial driver's license with a hazardous materials endorsement valid for a period of 90 days upon the person's successful completion of all other statutory requirements. It shall be a prerequisite to the issuance of such a temporary license that the person has provided all of the required information to the Transportation Security Administration for the completion of a security threat assessment, but the Transportation Security Administration has not provided a Determination of No Security Threat or a Final Determination of Threat Assessment prior to the expiration date of the person's commercial driver's license issued by the previous state."

SECTION 18.

Said chapter is further amended by striking subsection (h) of Code Section 40-5-150, relating to the contents of a commercial driver's license, in its entirety and inserting in its place the following:

"(h) When applying for renewal of a commercial driver's license, the applicant shall complete the application form required by subsection (a) of Code Section 40-5-149, providing updated information and required medical certifications, and provide evidence the applicant has completed the Highway Watch safety and security training program or its federally designated successor program and is properly registered with the same. If the applicant wishes to retain a hazardous materials endorsement, the written test for a hazardous materials endorsement must be taken and passed."

SECTION 19.

Said chapter is further amended by striking subsections (b), (c), and (g) of Code Section 40-5-151, relating to disqualification from driving a commercial motor vehicle, in their entirety and inserting in lieu thereof new subsections (b), (c), and (g) and by adding new subsection (i) and (j) to read as follows:

"(b) Any person is disqualified from driving a commercial motor vehicle for a period of not less than three years if convicted of a first violation of using a commercial motor vehicle in the commission of a felony or for offenses specified in ~~paragraph (1) of~~ subsection (a) of this Code section, provided that the vehicle being operated or used in connection with such violation or commission of such felony is transporting a hazardous material required to be placarded under Section 105 of the Hazardous Material Transportation Act.

(c) Any person is disqualified from driving a commercial motor vehicle for life if convicted of two or more violations of any of the offenses specified in subsection (a) of

Code Section 40-5-54, paragraph (1) of subsection (b) of Code Section 40-5-146, or Code Section 40-6-391, the refusal to submit to state administered chemical testing as prescribed by Code Section 40-5-55, or any combination of those offenses or refusals, arising from two or more separate incidents."

"(g)(1) Any person is disqualified from driving a commercial motor vehicle based on the following violations of out-of-service orders:

(A) First violation — a driver who is convicted of a first violation of an out-of-service order is disqualified for a period of not less than 90 days and not more than one year;

(B) Second violation — a driver who is convicted of two violations of out-of-service orders in separate incidents is disqualified for a period of not less than one year and not more than five years; and

(C) Third or subsequent violation — a driver who is convicted of three or more violations of out-of-service orders in separate incidents is disqualified for a period of not less than three years and not more than five years.

(2) Whenever the operator of a commercial motor vehicle is issued an out-of-service order, a copy of such order shall be issued to the operator of the commercial motor vehicle, the operator of the commercial motor vehicle's employer, and a copy or notice of such out-of-service order shall be provided to the department. The form of such out-of-service order, the procedures for notifying the department upon the issuance of such an order, and other matters relative to the issuance of out-of-service orders and violations thereof shall be provided in rules and regulations promulgated by the commissioner.

(3) Any person is disqualified for a period of not less than 180 days nor more than two years if the driver is convicted of a first violation of an out-of-service order while transporting hazardous materials required to be placarded under Section 105 of the Hazardous Materials Transportation Act, or while operating commercial motor vehicles designed to transport more than 15 passengers, including the driver. A driver is disqualified for a period of not less than three years nor more than five years if, during any ten-year period, the driver is convicted of any subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded under Section 105 of the Hazardous Materials Transportation Act, or while operating commercial motor vehicles designed to transport more than 15 passengers, including the driver.

(4) In addition to any other penalty imposed pursuant to this article, any driver who is convicted of a railroad grade crossing violation in a commercial vehicle shall be subject to a civil penalty of not less than \$1,100.00 and not to exceed \$2,750.00."

"(i) Any person is disqualified from driving a commercial motor vehicle for a period of not less than 60 days if it is determined, in a check of an applicant's license status and record prior to issuing a commercial driver's license or at any time after the commercial driver's license is issued, that the applicant has falsified information on his or her application or any related filing.

(j)(1) Any person is disqualified from driving a commercial vehicle for a period of not less than 30 days if the department receives notification from the Federal Motor Carrier Safety Administration that the person poses an imminent hazard.

(2) If the Federal Motor Carrier Safety Administration notifies the department that a person's driving constitutes an imminent hazard and imposes a disqualification greater than 30 days, the person shall be disqualified from driving a commercial vehicle for the period designated by the Federal Motor Carrier Safety Administration, not to exceed one year."

SECTION 20.

Said chapter is further amended by striking subsections (c) and (d) of Code Section 40-5-159, relating to penalties for driving a commercial motor vehicle while in violation of the law, in its entirety and inserting in its place the following:

"(c)(1) Any person who drives a commercial motor vehicle while in violation of the provisions mandated under Code Section 40-5-146 shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500.00. The department shall suspend the commercial driver's license or commercial driving privilege of ~~such~~ any driver convicted of violating subsection (a) or paragraph (1) of subsection (b) of Code Section 40-5-146 for a period of six months.

(2) The department shall suspend the commercial driver's license or commercial driving privilege of any person who is convicted of violating Code Section 40-5-29 in a commercial vehicle for a period of six months.

(d) Any employer who knowingly allows, requires, permits, or authorizes a driver to drive a commercial motor vehicle in violation of any federal, state, or local law or regulation pertaining to railroad grade crossings shall be subject to a civil penalty in an amount not less than \$2,750.00 and not to exceed \$10,000.00 \$11,000.00."

SECTION 21.

Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to the uniform rules of the road, is amended by striking subsection (c) of Code Section 40-6-186, relating to racing on highways or streets, and inserting in its place the following:

"(c) Any person convicted of violating subsection (b) of this Code section shall be guilty of a misdemeanor. ~~In addition to the punishment prescribed by law, the Department of Public Safety shall suspend for 12 months the license of any person convicted of such violation."~~

SECTION 22.

Said chapter is further amended by striking Code Section 40-6-187, relating to charging speeding violations, in its entirety and inserting in its place the following:

"40-6-187.

(a) In every charge of violation of any speed regulation in this chapter, the summons or notice to appear shall specify the speed at which the defendant is alleged to have driven and also the maximum speed applicable within the district or at the location.

(b) For the purpose of imposing points pursuant to Code Section 40-5-57, every sentence for a violation of any speed regulation in this chapter shall state the specific amount by which the person convicted exceeded the speed limit."

SECTION 23.

This Act shall become effective on July 1, 2006.

SECTION 24.

All laws and parts of laws in conflict with this Act are repealed.

Representative Rice of the 51st moved that the House agree to the Senate substitute to HB 1253.

On the motion, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Setzler
Barnes	Y Dickson	Y Howard, E	Y Meadows	Shaw
Y Bearden	Dodson	Y Hudson	Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Morgan	Y Sinkfield
Y Black	Y Ehrhart	James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Jamieson	Y Mosby	Y Smith, L
E Borders	E Epps	Y Jenkins	E Mosley	Y Smith, P
Y Bridges	Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	E Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	E Lane, R	Y Ralston	Y Walker
Y Casas	E Greene	Lewis	Randall	Y Warren
Y Chambers	Hanner	Y Lindsey	Y Ray	Watson
Y Channell	Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Loudermilk	Reece, S	Y Willard
E Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	E Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Yates
Y Cox	Y Hill, C	Y Marin	Rynders	Richardson, Speaker

On the motion, the ayes were 143, nays 0.

The motion prevailed.

Representative Lewis of the 15th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 1059. By Representatives Keen of the 179th, Ralston of the 7th, Burkhalter of the 50th, Freeman of the 140th, Thomas of the 55th and others:

A BILL to be entitled an Act to amend Titles 16, 17, 35, and 42 of the O.C.G.A., relating respectively to crimes and offenses, criminal procedure, law enforcement officers and agencies, and penal institutions, so as to change provisions relating to sexual offenders; to change punishment provisions, registration requirements, and areas where certain offenders can reside as it affects sexual offenders; to change certain provisions relating to punishment of serious violent offenders and increase the mandatory minimum term of imprisonment for certain offenses; to require persons convicted of certain sexual crimes to receive a mandatory split sentence including a minimum sentence of imprisonment; to reorganize and change provisions related to the State Sexual Offender Registry; to provide for other related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL

To amend Titles 16, 17, 35, and 42 of the Official Code of Georgia Annotated, relating respectively to crimes and offenses, criminal procedure, law enforcement officers and agencies, and penal institutions, so as to change provisions relating to sexual offenders; to change punishment provisions, registration requirements, and residency requirements for sexual offenders; to provide for legislative findings; to change punishment provisions related to aggravated assault with the intent to rape; to change punishment provisions related to kidnapping; to change punishment provisions related to false imprisonment; to change punishment provisions related to rape; to change certain provisions relating to sodomy and aggravated sodomy; to provide for lesser punishment for certain sexual offenses committed by persons of certain ages; to change certain provisions relating to statutory rape; to change certain provisions relating to child molestation and aggravated child molestation; to change certain provisions relating to enticing a child for indecent purposes; to change certain provisions relating to persons convicted of sexual assault against persons in custody; to change certain provisions relating to incest; to change certain provisions relating to sexual battery; to change certain provisions relating to aggravated sexual battery; to provide that it shall be unlawful to have carnal knowledge

with a disabled person who is incapable of granting consent; to provide for a penalties; to change certain restrictions on granting an appeal bond; to allow for judicial discretion for mandatory minimum sentences under certain circumstances; to create a new crime involving withholding information concerning a sexual offender and provide for penalties; to change a provision relating to the fixing of a sentence by a judge; to change certain provisions relating to punishment of serious violent offenders and increase the mandatory minimum term of imprisonment for certain offenses; to require persons convicted of certain sexual crimes to receive a mandatory split sentence including a minimum sentence of imprisonment; to add a provision relating to statutory aggravating circumstances for the imposition of the death penalty; to require the Georgia Crime Information Center to collect certain data; to provide that notice of conviction and release of a person who is required to register as a sexual offender shall be made for offenders sentenced directly to probation or who are newly established residents in a county; to permit publication of such notice in the legal organ of the county in which such person resides based on information available; to amend Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to issuance, expiration, and renewal of drivers' licenses, so as to require registered sex offenders to have identifiable drivers' licenses; to provide for procedures related to issuance of such licenses; to reorganize and change provisions related to the State Sexual Offender Registry; to change and add certain definitions; to change provisions relating to registration requirements for sexual offenders; to provide for an annual registration fee; to provide that sexual offenders register prior to release from prison; to require each sheriff to maintain and update a list of all sexual offenders residing in the county; to provide for duties and responsibilities for sheriffs, the Department of Corrections, the Georgia Bureau of Investigation, and sexual offenders; to require registered sexual offenders to verify required registration information with the sheriff whenever any changes occur to certain information and verify information at least annually within 72 hours of the sexual offender's birthday; to increase the duration for registration requirement; to provide for a procedure for certain sexual offenders to petition a court to be relieved of registration requirements; to require the sheriff to notify certain people and entities of the presence of sexual offenders in their community; to increase punishment for failure to comply with registration requirements; to change the appointing authority for the Sexual Offender Registration Review Board; to require the Sexual Offender Registration Review Board to classify sexual offenders; to require sexually dangerous predators to wear an electronic monitoring device for the balance of his or her life and to pay for such device; to require sexually dangerous predators to update required registration information twice yearly; to provide for employment restrictions for sexual offenders; to prohibit sexual offenders from loitering in certain locations; to correct cross-references; to change provisions relating to sexual offenders conditions for parole; to change provisions relating to chemical treatment and counseling as a condition of parole for child molesters; to amend Title 5 of the Official Code of Georgia Annotated, relating to appeal and error, so as to allow the state and the defendant the right of direct appeal under certain circumstances; to provide for other

related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The General Assembly finds and declares that recidivist sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Many sexual offenders are extremely likely to use physical violence and to repeat their offenses; and some sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. The General Assembly finds that this makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant. The General Assembly further finds that the high level of threat that a sexual predator presents to the public safety, and the long-term effects suffered by victims of sex offenses, provide the state with sufficient justification to implement a strategy that includes:

- (1) Incarcerating sexual offenders and maintaining adequate facilities to ensure that decisions to release sexual predators into the community are not made on the basis of inadequate space;
- (2) Requiring the registration of sexual offenders, with a requirement that complete and accurate information be maintained and accessible for use by law enforcement authorities, communities, and the public;
- (3) Providing for community and public notification concerning the presence of sexual offenders;
- (4) Collecting data relative to sexual offenses and sexual offenders;
- (5) Requiring sexual predators who are released into the community to wear electronic monitoring devices for the rest of their natural life and to pay for such device; and
- (6) Prohibiting sexual predators from working with children, either for compensation or as a volunteer.

The General Assembly further finds that the state has a compelling interest in protecting the public from sexual offenders and in protecting children from predatory sexual activity, and there is sufficient justification for requiring sexual offenders to register and for requiring community and public notification of the presence of sexual offenders. The General Assembly declares that in order to protect the public, it is necessary that the sexual offenders be registered and that members of the community and the public be notified of a sexual offender's presence. The designation of a person as a sexual offender is neither a sentence nor a punishment but simply a regulatory mechanism and status resulting from the conviction of certain crimes. Likewise, the designation of a person as a sexual predator is neither a sentence nor a punishment but simply a regulatory mechanism and status resulting from findings by the Sexual Offender Registration Review Board and a court if requested by a sexual offender.

SECTION 2.

Title 5 of the Official Code of Georgia Annotated, relating to appeal and error, is amended by striking subsection (a) of Code Section 5-6-34, relating to judgments and rulings deemed directly appealable, and inserting in lieu thereof the following:

"(a) Appeals may be taken to the Supreme Court and the Court of Appeals from the following judgments and rulings of the superior courts, the constitutional city courts, and such other courts or tribunals from which appeals are authorized by the Constitution and laws of this state:

(1) All final judgments, that is to say, where the case is no longer pending in the court below, except as provided in Code Section 5-6-35;

(2) All judgments involving applications for discharge in bail trover and contempt cases;

(3) All judgments or orders directing that an accounting be had;

(4) All judgments or orders granting or refusing applications for receivers or for interlocutory or final injunctions;

(5) All judgments or orders granting or refusing applications for attachment against fraudulent debtors;

~~(5-1)~~(6) Any ruling on a motion which would be dispositive if granted with respect to a defense that the action is barred by Code Section 16-11-184;

~~(6)~~(7) All judgments or orders granting or refusing to grant mandamus or any other extraordinary remedy, except with respect to temporary restraining orders;

~~(7)~~(8) All judgments or orders refusing applications for dissolution of corporations created by the superior courts;

~~(8)~~(9) All judgments or orders sustaining motions to dismiss a caveat to the probate of a will; ~~and~~

~~(9)~~(10) All final judgments of child support; ~~and~~

(11) All judgments or orders entered pursuant to subsection (c) of Code Section 17-10-6.2."

SECTION 3.

Said title is further amended by striking subsection (a) of Code Section 5-7-1, relating to orders, decisions, or judgments appealable by the state, and inserting in lieu thereof the following:

"(a) An appeal may be taken by and on behalf of the State of Georgia from the superior courts, state courts, City Court of Atlanta, and juvenile courts and such other courts from which a direct appeal is authorized to the Court of Appeals of Georgia and the Supreme Court of Georgia in criminal cases and adjudication of delinquency cases in the following instances:

(1) From an order, decision, or judgment setting aside or dismissing any indictment, accusation, or petition alleging that a child has committed a delinquent act or any count thereof;

(2) From an order, decision, or judgment arresting judgment of conviction or adjudication of delinquency upon legal grounds;

- (3) From an order, decision, or judgment sustaining a plea or motion in bar, when the defendant has not been put in jeopardy;
- (4) From an order, decision, or judgment suppressing or excluding evidence illegally seized or excluding the results of any test for alcohol or drugs in the case of motions made and ruled upon prior to the impaneling of a jury or the defendant being put in jeopardy, whichever occurs first;
- (5) From an order, decision, or judgment of a court where the court does not have jurisdiction or the order is otherwise void under the Constitution or laws of this state;
- (6) From an order, decision, or judgment of a superior court transferring a case to the juvenile court pursuant to subparagraph (b)(2)(B) of Code Section 15-11-28;
- (7) From an order, decision, or judgment of a superior court granting a motion for new trial or an extraordinary motion for new trial; ~~or~~
- (8) From an order, decision, or judgment denying a motion by the state to recuse or disqualify a judge made and ruled upon prior to the defendant being put in jeopardy; or
- (9) From an order, decision, or judgment issued pursuant to subsection (c) of Code Section 17-10-6.2."

SECTION 4.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by striking Code Section 16-5-21, relating to aggravated assault, and inserting in lieu thereof the following:

"16-5-21.

- (a) A person commits the offense of aggravated assault when he or she assaults:
 - (1) With intent to murder, to rape, or to rob;
 - (2) With a deadly weapon or with any object, device, or instrument which, when used offensively against a person, is likely to or actually does result in serious bodily injury; or
 - (3) A person or persons without legal justification by discharging a firearm from within a motor vehicle toward a person or persons.
- (b) Except as provided in subsections (c) through ~~(j)~~ (k) of this Code section, a person convicted of the offense of aggravated assault shall be punished by imprisonment for not less than one nor more than 20 years.
- (c) A person who knowingly commits the offense of aggravated assault upon a peace officer while the peace officer is engaged in, or on account of the performance of, his or her official duties shall, upon conviction thereof, be punished by imprisonment for not less than five nor more than 20 years.
- (d) Any person who commits the offense of aggravated assault against a person who is 65 years of age or older shall, upon conviction thereof, be punished by imprisonment for not less than three nor more than 20 years.
- (e)(1) As used in this subsection, the term 'correctional officer' shall include superintendents, wardens, deputy wardens, guards, and correctional officers of state, county, and municipal penal institutions who are certified by the Georgia Peace

Officer Standards and Training Council pursuant to Chapter 8 of Title 35 and employees of the Department of Juvenile Justice who are known to be employees of the department or who have given reasonable identification of their employment. The term 'correctional officer' shall also include county jail officers who are certified or registered by the Georgia Peace Officer Standards and Training Council pursuant to Chapter 8 of Title 35.

(2) A person who knowingly commits the offense of aggravated assault upon a correctional officer while the correctional officer is engaged in, or on account of the performance of, his or her official duties shall, upon conviction thereof, be punished by imprisonment for not less than five nor more than 20 years.

(f) Any person who commits the offense of aggravated assault in a public transit vehicle or station shall, upon conviction thereof, be punished by imprisonment for not less than three nor more than 20 years. For purposes of this Code section, 'public transit vehicle' has the same meaning as in subsection (c) of Code Section 16-5-20.

~~(f.1)~~(g) Any person who commits the offense of aggravated assault upon a person in the course of violating Code Section 16-8-2 where the property that was the subject of the theft was a vehicle engaged in commercial transportation of cargo or any appurtenance thereto, including without limitation any such trailer, semitrailer, container, or other associated equipment, or the cargo being transported therein or thereon, shall upon conviction be punished by imprisonment for not less than five years nor more than 20 years, a fine not less than \$50,000.00 nor more than \$200,000.00, or both such fine and imprisonment. For purposes of this subsection, the term 'vehicle' includes without limitation any railcar.

~~(g)~~(h) A person convicted of an offense described in paragraph (3) of subsection (a) of this Code section shall be punished by imprisonment for not less than five nor more than 20 years.

~~(h)~~(i) Any person who commits the offense of aggravated assault involving the use of a firearm upon a student or teacher or other school personnel within a school safety zone as defined in paragraph (1) of subsection (a) of Code Section 16-11-127.1 shall, upon conviction thereof, be punished by imprisonment for not less than five nor more than 20 years.

~~(i)~~(j) If the offense of aggravated assault is committed between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons excluding siblings living or formerly living in the same household, the defendant shall be punished by imprisonment for not less than three nor more than 20 years.

(k) Any person who commits the offense of aggravated assault with intent to rape against a child under the age of 14 years shall be punished by imprisonment for not less than 25 nor more than 50 years. Any person convicted under this subsection shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2."

SECTION 5.

Said title is further amended by striking Code Section 16-5-40, relating to kidnapping, and inserting in lieu thereof the following:

"16-5-40.

(a) A person commits the offense of kidnapping when he abducts or steals away any person without lawful authority or warrant and holds such person against his will.

(b) A person convicted of the offense of kidnapping shall be punished by:

(1) Imprisonment ~~imprisonment~~ for not less than ten nor more than 20 years; ~~provided that a person convicted of the offense of kidnapping for ransom shall be punished by~~ if the kidnapping involved a victim who was 14 years of age or older;

(2) Imprisonment for life or by imprisonment for not less than 25 nor more than 50 years if the kidnapping involved a victim who is less than 14 years of age;

(3) Life ~~life~~ imprisonment or ~~by death and provided, further, that, if the person kidnapped shall have received bodily injury, the person convicted shall be punished by if the kidnapping was for ransom; or~~

(4) Life ~~life~~ imprisonment or ~~by death~~ if the person kidnapped received bodily injury.

(c) Any person convicted under this Code section shall, in addition, be subject to the sentencing and punishment provisions of Code Sections 17-10-6.1 and 17-10-7."

SECTION 6.

Said title is further amended by striking Code Section 16-5-41, relating to false imprisonment, and inserting in lieu thereof the following:

"16-5-41.

(a) A person commits the offense of false imprisonment when, in violation of the personal liberty of another, he arrests, confines, or detains such person without legal authority.

(b) A person convicted of the offense of false imprisonment shall be punished by imprisonment for not less than one nor more than ten years.

(c) Any person convicted under this Code section wherein the victim is not the child of the defendant and the victim is less than 14 years of age shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2."

SECTION 7.

Said title is further amended by striking subsection (a) of Code Section 16-5-110, relating to the publication of notices and information required for registered sex offenders, assessment for costs, and certain immunity, and inserting in lieu thereof the following:

"(a) When a person who has been convicted of a crime for which that person is required to register under Code Section 42-1-12 makes his or her first report to a sheriff after such person's release from confinement, placement on probation, or upon establishing residency in the county, the sheriff shall cause to be published a notice of conviction and release from confinement of such person. ~~Such notice shall be published in the manner of legal notices in the legal organ of the county in which person resides.~~ Such notice shall be one column wide by two inches long and shall

contain the photograph taken by the arresting law enforcement agency at the time of arrest; ~~or a subsequent photograph~~, the name and address of the convicted person, ~~and, if available, the date, time, place of arrest, and the disposition of the case.~~ The notice and shall be published at or near the time the person registers with the sheriff at least once, and, at the sheriff's option, may be published more than once, in the legal organ of the appropriate county ~~in the second week following such person's release from confinement or as soon thereafter as publication may be made.~~ The notice shall include the address of the Georgia Bureau of Investigation website for additional information regarding the sexual offender registry."

SECTION 8.

Said title is further amended by striking Code Section 16-6-1, relating to rape, and inserting in lieu thereof the following:

"16-6-1.

(a) A person commits the offense of rape when he has carnal knowledge of:

- (1) A female forcibly and against her will; or
- (2) A female who is less than ten years of age.

Carnal knowledge in rape occurs when there is any penetration of the female sex organ by the male sex organ. The fact that the person allegedly raped is the wife of the defendant shall not be a defense to a charge of rape.

(b) A person convicted of the offense of rape shall be punished by death, by imprisonment for life without parole, by imprisonment for life, or by imprisonment for not less than ~~ten~~ 25 nor more than ~~20~~ 50 years. Any person convicted under this Code section shall, in addition, be subject to the sentencing and punishment provisions of Code Sections 17-10-6.1 and 17-10-7.

(c) When evidence relating to an allegation of rape is collected in the course of a medical examination of the person who is the victim of the alleged crime, the law enforcement agency investigating the alleged crime shall be responsible for the cost of the medical examination to the extent that expense is incurred for the limited purpose of collecting evidence."

SECTION 9.

Said title is further amended by striking Code Section 16-6-2, relating to sodomy and aggravated sodomy, and inserting in lieu thereof the following:

"16-6-2.

(a)(1) A person commits the offense of sodomy when he or she performs or submits to any sexual act involving the sex organs of one person and the mouth or anus of another.

(2) A person commits the offense of aggravated sodomy when he or she commits sodomy with force and against the will of the other person or when he or she commits sodomy with a person who is less than ten years of age. The fact that the person allegedly sodomized is the spouse of a defendant shall not be a defense to a charge of aggravated sodomy.

(b)(1) Except as provided in subsection (d) of this Code section, a A person convicted of the offense of sodomy shall be punished by imprisonment for not less than one nor more than 20 years and shall be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.

(2) A person convicted of the offense of aggravated sodomy shall be punished by imprisonment for life or by imprisonment for not less than ~~ten~~ 25 nor more than ~~30~~ 50 years. Any person convicted under this Code section of the offense of aggravated sodomy shall, in addition, be subject to the sentencing and punishment provisions of Code Sections 17-10-6.1 and 17-10-7.

(c) When evidence relating to an allegation of aggravated sodomy is collected in the course of a medical examination of the person who is the victim of the alleged crime, the law enforcement agency investigating the alleged crime shall be financially responsible for the cost of the medical examination to the extent that expense is incurred for the limited purpose of collecting evidence.

(d) If the victim is at least 13 but less than 16 years of age and the person convicted of sodomy is 18 years of age or younger and is no more than four years older than the victim, such person shall be guilty of a misdemeanor and shall not be subject to the sentencing and punishment provisions of Code Section 17-10-6.2."

SECTION 10.

Said title is further amended by striking Code Section 16-6-3, relating to statutory rape, and inserting in lieu thereof the following:

"16-6-3.

(a) A person commits the offense of statutory rape when he or she engages in sexual intercourse with any person under the age of 16 years and not his or her spouse, provided that no conviction shall be had for this offense on the unsupported testimony of the victim.

(b) Except as provided in subsection (c) of this Code section, a A person convicted of the offense of statutory rape shall be punished by imprisonment for not less than one nor more than 20 years; provided, however, that if the person so convicted is 21 years of age or older, such person shall be punished by imprisonment for not less than ten nor more than 20 years; ~~provided, further, that if.~~ Any person convicted under this subsection of the offense of statutory rape shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.

(c) If the victim is ~~14 or 15~~ at least 13 but less than 16 years of age and the person so convicted of statutory rape is 18 years of age or younger and is no more than ~~three~~ four years older than the victim, such person shall be guilty of a misdemeanor."

SECTION 11.

Said title is further amended by striking Code Section 16-6-4, relating to child molestation and aggravated child molestation, and inserting in lieu thereof the following:

"16-6-4.

(a) A person commits the offense of child molestation when he or she does any immoral or indecent act to or in the presence of or with any child under the age of 16 years with the intent to arouse or satisfy the sexual desires of either the child or the person.

~~(b)(1) Except as provided in paragraph (2) of this subsection, a~~ A person convicted of a first offense of child molestation shall be punished by imprisonment for not less than five nor more than 20 years and shall be subject to the sentencing and punishment provisions of Code Sections 17-10-6.2 and 17-10-7. ~~Upon such first conviction of the offense of child molestation, the judge may probate the sentence; and such probation may be upon the special condition that the defendant undergo a mandatory period of counseling administered by a licensed psychiatrist or a licensed psychologist. However, if the judge finds that such probation should not be imposed, he or she shall sentence the defendant to imprisonment; provided, further, that upon a defendant's~~ Upon a defendant being incarcerated on a conviction for such a first offense, the Department of Corrections shall provide counseling to such defendant. Except as provided in paragraph (2) of this subsection, upon ~~Upon~~ a second or subsequent conviction of an offense of child molestation, the defendant shall be punished by imprisonment for not less than ten years nor more than 30 years or by imprisonment for life and shall be subject to the sentencing and punishment provisions of Code Sections 17-10-6.2 and 17-10-7; provided, however, that prior to trial, a defendant shall be given notice, in writing, that the state intends to seek a punishment of life imprisonment. ~~Adjudication of guilt or imposition of sentence for a conviction of a second or subsequent offense of child molestation, including a plea of nolo contendere, shall not be suspended, probated, deferred, or withheld.~~

(2) If the victim is at least 13 but less than 16 years of age and the person convicted of child molestation is 18 years of age or younger and is no more than four years older than the victim, such person shall be guilty of a misdemeanor and shall not be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.

(c) A person commits the offense of aggravated child molestation when such person commits an offense of child molestation which act physically injures the child or involves an act of sodomy.

~~(d)(1) Except as provided in paragraph (2) of this subsection, a~~ A person convicted of the offense of aggravated child molestation shall be punished by imprisonment for life or by imprisonment for not less than ten 25 nor more than 30 50 years. ~~Any person convicted under this Code section of the offense of aggravated child molestation shall, in addition, and shall~~ be subject to the sentencing and punishment provisions of Code Sections 17-10-6.1 and 17-10-7.

(2) A person convicted of the offense of aggravated child molestation when:

(A) The victim is at least 13 but less than 16 years of age;

(B) The person convicted of aggravated child molestation is 18 years of age or younger and is no more than four years older than the victim; and

(C) The basis of the charge of aggravated child molestation involves an act of sodomy

shall be guilty of a misdemeanor and shall not be subject to the sentencing and punishment provisions of Code Section 17-10-6.1.

~~(2) The court sentencing a person who has been convicted of a first offense of aggravated child molestation when the victim is 16 years of age or younger at the time of the offense is authorized to require, before sentencing, that the defendant undergo a psychiatric evaluation to ascertain whether or not medroxyprogesterone acetate chemical treatment or its equivalent would be effective in changing the defendant's behavior. If it is determined by a qualified mental health professional that such treatment would be effective, the court may require, as a condition of probation and upon provisions arranged between the court and the defendant, the defendant to undergo medroxyprogesterone acetate treatment or its chemical equivalent which must be coupled with treatment by a qualified mental health professional. In case of a person sentenced to probation who is required to undergo such treatment or its chemical equivalent and is in the custody of a law enforcement agency or confined in a jail at the time of sentencing, when he or she becomes eligible for probation, such person shall begin medroxyprogesterone acetate treatment and counseling prior to his or her release from custody or confinement. A person sentenced to probation who is required to undergo such treatment and who is not in the custody of a law enforcement agency or confined in a jail at the time of sentencing shall be taken into custody or confined until treatment can begin. Additional treatment may continue after such defendant's release from custody or confinement until the defendant demonstrates to the court that such treatment is no longer necessary. No such treatment shall be administered until such person has been fully informed of the side effects of hormonal chemical treatment and has consented to the treatment in writing. The administration of the treatment shall conform to the procedures and conditions set out in subsection (c) of Code Section 42-9-44.2.~~

~~(3) Any physician or qualified mental health professional who acts in good faith in compliance with the provisions of this Code section and subsection (c) of Code Section 42-9-44.2 in the administration of treatment or provision of counseling provided for in this Code section shall be immune from civil or criminal liability for his or her actions in connection with such treatment or counseling."~~

SECTION 12.

Said title is further amended by striking Code Section 16-6-5, relating to enticing a child for indecent purposes, and inserting in lieu thereof the following:

"16-6-5.

(a) A person commits the offense of enticing a child for indecent purposes when he or she solicits, entices, or takes any child under the age of 16 years to any place whatsoever for the purpose of child molestation or indecent acts.

(b) Except as provided in subsection (c) of this Code section, a A person convicted of the offense of enticing a child for indecent purposes shall be punished by imprisonment for not less than ~~one~~ ten nor more than ~~20~~ 30 years. Any person convicted under this Code section of the offense of enticing a child for indecent purposes shall, in addition,

~~be subject to the sentencing and punishment provisions of Code Section 17-10-6.2. Upon a first conviction of the offense of enticing a child for indecent purposes, the judge may probate the sentence; and such probation may be upon the special condition that the defendant undergo a mandatory period of counseling administered by a licensed psychiatrist or a licensed psychologist. However, if the judge finds that such probation should not be imposed, he shall sentence the defendant to imprisonment. Upon a second or third conviction of such offense, the defendant shall be punished by imprisonment for not less than five years. For a fourth or subsequent conviction of the offense of enticing a child for indecent purposes, the defendant shall be punished by imprisonment for 20 years. Adjudication of guilt or imposition of sentence for a conviction of a third, fourth, or subsequent offense of enticing a child for indecent purposes, including a plea of nolo contendere, shall not be suspended, probated, deferred, or withheld.~~

(c) If the victim is at least 13 but less than 16 years of age and the person convicted of enticing a child for indecent purposes is 18 years of age or younger and is no more than four years older than the victim, such person shall be guilty of a misdemeanor and shall not be subject to the sentencing and punishment provisions of Code Section 17-10-6.2."

SECTION 13.

Said title is further amended by striking Code Section 16-6-5.1, relating to sexual assault against persons in custody, and inserting in lieu thereof the following:

"16-6-5.1.

(a) As used in this Code section, the term:

(1) 'Actor' means a person accused of sexual assault.

(2) 'Intimate parts' means the genital area, groin, inner thighs, buttocks, or breasts of a person.

(3) 'Psychotherapy' means the professional treatment or counseling of a mental or emotional illness, symptom, or condition.

(4) 'Sexual contact' means any contact between for the purpose of sexual gratification of the actor and a person not married to the actor involving with the intimate parts of a person not married to the actor either person for the purpose of sexual gratification of the actor.

(b) A probation or parole officer or other custodian or supervisor of another person referred to in this Code section commits sexual assault when he or she engages in sexual contact with another person who is a probationer or parolee under the supervision of said probation or parole officer or who is in the custody of law or who is enrolled in a school or who is detained in or is a patient in a hospital or other institution and such actor has supervisory or disciplinary authority over such other person. A person convicted of sexual assault shall be punished by imprisonment for not less than one ten nor more than three 30 years; provided, however, that any person convicted of the offense of sexual assault under this subsection of a child under the age of 14 years shall be punished by imprisonment for not less than 25 nor more than 50 years. Any person convicted under this subsection of the offense of sexual assault shall, in

addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.

(c)(1) A person commits sexual assault when such person has supervisory or disciplinary authority over another person and such person engages in sexual contact with that other person who is:

(A) In the custody of law; or

(B) Detained in or is a patient in a hospital or other institution.

(2) A person commits sexual assault when, as an actual or purported practitioner of psychotherapy, he or she engages in sexual contact with another person who the actor knew or should have known is the subject of the actor's actual or purported treatment or counseling, or, if the treatment or counseling relationship was used to facilitate sexual contact between the actor and said person.

(3) Consent of the victim shall not be a defense to a prosecution under this subsection.

(4) A person convicted of sexual assault under this subsection shall be punished by imprisonment for not less than ~~one ten~~ nor more than ~~three~~ 30 years; provided, however, that any person convicted of the offense of sexual assault under this subsection of a child under the age of 14 years shall be punished by imprisonment for not less than 25 nor more than 50 years. Any person convicted under this subsection of the offense of sexual assault shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.

(d) A person who is an employee, agent, or volunteer at any facility licensed or required to be licensed under Code Section 31-7-3, relating to long-term care facilities, or Code Section 31-7-12, relating to personal care homes, or who is required to be licensed pursuant to Code Section 31-7-151 or 31-7-173, relating to home health care and hospices, commits sexual assault when such person engages in sexual contact with another person who has been admitted to or is receiving services from such facility, person, or entity. A person convicted of sexual assault pursuant to this subsection shall be punished by imprisonment for not less than ~~one ten~~ nor more than ~~five~~ 30 years, or a fine of not more than \$5,000.00, or both. Any violation of this subsection shall constitute a separate offense. Any person convicted under this subsection of the offense of sexual assault shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2."

SECTION 14.

Said title is further amended by striking Code Section 16-6-22, relating to incest, and inserting in lieu thereof the following:

"16-6-22.

(a) A person commits the offense of incest when ~~he~~ the person engages in sexual intercourse or oral or anal sex with a person to whom he or she knows he or she is related either by blood or by marriage as follows:

(1) Father and ~~daughter or stepdaughter~~ child or stepchild;

(2) Mother and ~~son or stepson~~ child or stepchild;

- (3) Sibling ~~Brother and sister~~ of the whole blood or of the half blood and sibling of the whole blood or of the half blood;
- (4) Grandparent and grandchild;
- (5) Aunt and niece or nephew; or
- (6) Uncle and niece or nephew.

As used in this Code section, the term 'oral or anal sex' means performing or submitting to any sexual act involving the sex organs of one person and the mouth or anus of another person.

(b) A person convicted of the offense of incest shall be punished by imprisonment for not less than ~~one ten~~ nor more than ~~20~~ 30 years; provided, however, that any person convicted of the offense of incest under this subsection with a child under the age of 14 years shall be punished by imprisonment for not less than 25 nor more than 50 years. Any person convicted under this Code section of the offense of incest shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2."

SECTION 15.

Said title is further amended by striking Code Section 16-6-22.1, relating to sexual battery, and inserting in lieu thereof the following:

"16-6-22.1.

(a) For the purposes of this Code section, the term 'intimate parts' means the primary genital area, anus, groin, inner thighs, or buttocks of a male or female and the breasts of a female.

(b) A person commits the offense of sexual battery when he or she intentionally makes physical contact with the intimate parts of the body of another person without the consent of that person.

(c) Except as otherwise provided in this Code section, a person convicted of the offense of sexual battery shall be punished as for a misdemeanor of a high and aggravated nature.

(d) A person convicted of the offense of sexual battery against any child under the age of 16 years shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than five years.

(e) Upon a second or subsequent conviction under this Code section, a person shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2."

SECTION 16.

Said title is further amended by striking Code Section 16-6-22.2, relating to aggravated sexual battery, and inserting in lieu thereof the following:

"16-6-22.2.

(a) For the purposes of this Code section, the term 'foreign object' means any article or instrument other than the sexual organ of a person.

(b) A person commits the offense of aggravated sexual battery when he or she intentionally penetrates with a foreign object the sexual organ or anus of another person without the consent of that person.

(c) A person convicted of the offense of aggravated sexual battery shall be punished by imprisonment for life or by imprisonment for not less than ten 25 nor more than 20 50 years. ~~Any person convicted under this Code section shall, in addition, and shall be~~ subject to the sentencing and punishment provisions of Code Sections 17-10-6.1 and 17-10-7."

SECTION 17.

Said title is further amended by inserting new Code Sections 16-6-25 and 16-6-26 to read as follows:

"16-6-25.

(a) As used in this Code section, the term 'law enforcement unit' means any agency, organ, or department of this state, or a subdivision or municipality thereof, whose primary functions include the enforcement of criminal or traffic laws; the preservation of public order; the protection of life and property; or the prevention, detection, or investigation of crime. Such term shall also include the Department of Corrections and the State Board of Pardons and Paroles.

(b) Any person who knows or reasonably believes that a sexual offender, as defined in Code Section 42-1-12, is not complying, or has not complied, with the requirements of Code Section 42-1-12 and who, with the intent to assist such sexual offender in eluding a law enforcement unit that is seeking such sexual offender to question him or her about, or to arrest him or her for, his or her noncompliance with the requirements of Code Section 42-1-12:

(1) Harbors, attempts to harbor, or assists another person in harboring or attempting harbor such sexual offender;

(2) Conceals, attempts to conceal, or assists another person in concealing or attempting to conceal such sexual offender; or

(3) Provides information to the law enforcement unit regarding such sexual offender which the person knows to be false information

commits a felony and shall be punished by imprisonment for not less than five nor more than 20 years.

16-6-26.

(a) As used in this Code section, the term 'disabled person' means any person with a mental or emotional illness, developmental disability, or addictive disease.

(b) It shall be unlawful for any person to have carnal knowledge with a disabled person of the age of majority whom he or she knows or reasonably should know is incapable of giving consent to such activity.

(c) A person convicted of violating the provisions of this Code section shall be punished by imprisonment for not less than ten nor more than 20 years."

SECTION 18.

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended by striking subsection (g) of Code Section 17-6-1, relating to where offenses are bailable and appeal bonds, and inserting in lieu thereof the following:

"(g) No appeal bond shall be granted to any person who has been convicted of murder, rape, aggravated sodomy, armed robbery, aggravated child molestation, child molestation, kidnapping, trafficking in cocaine or marijuana, aggravated stalking, or aircraft hijacking and who has been sentenced to serve a period of incarceration of ~~seven~~ five years or more. The granting of an appeal bond to a person who has been convicted of any other felony offense or of any misdemeanor offense involving an act of family violence as defined in Code Section 19-13-1, or of any offense delineated as a high and aggravated misdemeanor or of any offense set forth in Code Section 40-6-391, shall be in the discretion of the convicting court. Appeal bonds shall terminate when the right of appeal terminates, and such bonds shall not be effective as to any petition or application for writ of certiorari unless the court in which the petition or application is filed so specifies."

SECTION 19.

Said title is further amended by striking paragraph (1) of subsection (a) of Code Section 17-10-1, relating to the fixing of a sentence, and inserting in lieu thereof the following:

"(a)(1) Except in cases in which life imprisonment, life without parole, or the death penalty may be imposed, upon a verdict or plea of guilty in any case involving a misdemeanor or felony, and after a presentence hearing, the judge fixing the sentence shall prescribe a determinate sentence for a specific number of months or years which shall be within the minimum and maximum sentences prescribed by law as the punishment for the crime. The judge imposing the sentence is granted power and authority to suspend or probate all or any part of the entire sentence under such rules and regulations as the judge deems proper, including service of a probated sentence in the sentencing options system, as provided by Article 9 of Chapter 8 of Title 42, and including the authority to revoke the suspension or probation when the defendant has violated any of the rules and regulations prescribed by the court, even before the probationary period has begun, subject to the conditions set out in this subsection; provided, however, that such action shall be subject to the provisions of Code ~~Section~~ Sections 17-10-6.1 and 17-10-6.2."

SECTION 20.

Said title is further amended by striking Code Section 17-10-6.1, relating to punishment for serious violent offenders, and inserting in lieu thereof the following:

"17-10-6.1.

(a) As used in this Code section, the term 'serious violent felony' means:

- (1) Murder or felony murder, as defined in Code Section 16-5-1;
- (2) Armed robbery, as defined in Code Section 16-8-41;
- (3) Kidnapping, as defined in Code Section 16-5-40;

- (4) Rape, as defined in Code Section 16-6-1;
 - (5) Aggravated child molestation, as defined in subsection (c) of Code Section 16-6-4, unless subject to the provisions of paragraph (2) of subsection (d) of Code Section 16-6-4;
 - (6) Aggravated sodomy, as defined in Code Section 16-6-2; or
 - (7) Aggravated sexual battery, as defined in Code Section 16-6-22.2.
- (b)(1) Notwithstanding any other provisions of law to the contrary, any person convicted of a the serious violent felony as defined in paragraphs (2) through (7) of subsection (a) of this Code section of kidnapping involving a victim who is 14 years of age or older or armed robbery shall be sentenced to a mandatory minimum term of imprisonment of ten years and no portion of the mandatory minimum sentence imposed shall be suspended, stayed, probated, deferred, or withheld by the sentencing court and shall not be reduced by any form of pardon, parole, or commutation of sentence by the State Board of Pardons and Paroles.
- (2) Notwithstanding any other provisions of law to the contrary, any person convicted of the serious violent felony of:
- (A) Kidnapping involving a victim who is less than 14 years of age;
 - (B) Rape;
 - (C) Aggravated child molestation, as defined in subsection (c) of Code Section 16-6-4, unless subject to the provisions of paragraph (2) of subsection (d) of Code Section 16-6-4;
 - (D) Aggravated sodomy, as defined in Code Section 16-6-2; or
 - (E) Aggravated sexual battery, as defined in Code Section 16-6-22.2
- shall be sentenced to a split sentence which shall include a mandatory minimum term of imprisonment of 25 years followed by probation for life. No portion of the mandatory minimum sentence imposed shall be suspended, stayed, probated, deferred, or withheld by the sentencing court and shall not be reduced by any form of pardon, parole, or commutation of sentence by the State Board of Pardons and Paroles.
- (3) No person convicted of a serious violent felony ~~as defined in subsection (a) of this Code section~~ shall be sentenced as a first offender pursuant to Article 3 of Chapter 8 of Title 42, relating to probation for first offenders, or any other provision of Georgia law relating to the sentencing of first offenders. The State of Georgia shall have the right to appeal any sentence which is imposed by the superior court which does not conform to the provisions of this subsection in the same manner as is provided for other appeals by the state in accordance with Chapter 7 of Title 5, relating to appeals or certiorari by the state.
- (c)(1) Except as otherwise provided in subsection (c) of Code Section 42-9-39, for a first conviction of a serious violent felony in which the defendant has been sentenced to life imprisonment, that person shall not be eligible for any form of parole or early release administered by the State Board of Pardons and Paroles until that person has served a minimum of ~~44~~ 20 years in prison. The minimum term of imprisonment shall not be reduced by any earned time, early release, work release, leave, or other

sentence-reducing measures under programs administered by the Department of Corrections.

(2) For a first conviction of a serious violent felony in which the defendant has been sentenced to death but the sentence of death has been commuted to life imprisonment, that person shall not be eligible for any form of parole or early release administered by the State Board of Pardons and Paroles until that person has served a minimum of 25 years in prison. The minimum term of imprisonment shall not be reduced by any earned time, early release, work release, leave, or other sentence-reducing measures under programs administered by the Department of Corrections.

(3) Any sentence imposed for the first conviction of any serious violent felony other than a sentence of life imprisonment or life without parole or death shall be served in its entirety as imposed by the sentencing court and shall not be reduced by any form of parole or early release administered by the State Board of Pardons and Paroles or by any earned time, early release, work release, leave, or other sentence-reducing measures under programs administered by the Department of Corrections, the effect of which would be to reduce the period of incarceration ordered by the sentencing court.

(d) For purposes of this Code section, a first conviction of any serious violent felony means that the person has never been convicted of a serious violent felony under the laws of this state or of an offense under the laws of any other state or of the United States, which offense if committed in this state would be a serious violent felony. Conviction of two or more crimes charged on separate counts of one indictment or accusation, or in two or more indictments or accusations consolidated for trial, shall be deemed to be only one conviction."

SECTION 21.

Said title is further amended by adding a new Code section to follow Code Section 17-10-6.1, relating to punishment for serious violent offenders, to read as follows:

"17-10-6.2.

(a) As used in this Code section, the term 'sexual offense' means:

- (1) Aggravated assault with the intent to rape, as defined in Code Section 16-5-21;
- (2) False imprisonment, as defined in Code Section 16-5-41, if the victim is not the child of the defendant and the victim is less than 14 years of age;
- (3) Sodomy, as defined in Code Section 16-6-2, unless subject to the provisions of subsection (d) of Code Section 16-6-2;
- (4) Statutory rape, as defined in Code Section 16-6-3, if the person convicted of the crime is 21 years of age or older;
- (5) Child molestation, as defined in subsection (a) of Code Section 16-6-4, unless subject to the provisions of paragraph (2) of subsection (b) of Code Section 16-6-4;
- (6) Enticing a child for indecent purposes, as defined in Code Section 16-6-5, unless subject to the provisions of subsection (c) of Code Section 16-6-5;
- (7) Sexual assault against persons in custody, as defined in Code Section 16-6-5.1;
- (8) Incest, as defined in Code Section 16-6-22;

- (9) A second or subsequent conviction for sexual battery, as defined in Code Section 16-6-22.1; or
- (10) Sexual exploitation of children, as defined in Code Section 16-12-100.
- (b) Except as provided in subsection (c) of this Code section, and notwithstanding any other provisions of law to the contrary, any person convicted of a sexual offense shall be sentenced to a split sentence which shall include the minimum term of imprisonment specified in the Code section applicable to the offense. No portion of the mandatory minimum sentence imposed shall be suspended, stayed, probated, deferred, or withheld by the sentencing court and such sentence shall include, in addition to the mandatory imprisonment, an additional probated sentence of at least one year. No person convicted of a sexual offense shall be sentenced as a first offender pursuant to Article 3 of Chapter 8 of Title 42, relating to probation for first offenders, or any other provision of Georgia law relating to the sentencing of first offenders.
- (c)(1) In the court's discretion, the court may deviate from the mandatory minimum sentence as set forth in subsection (b) of this Code section, or any portion thereof, provided that:
- (A) The defendant has no prior conviction of an offense prohibited by Chapter 6 of Title 16 or Part 2 of Article 3 of Chapter 12 of Title 16, nor a prior conviction for any offense under federal law or the laws of another state or territory of the United States which consists of the same or similar elements of offenses prohibited by Chapter 6 of Title 16 or Part 2 of Article 3 of Chapter 12 of Title 16;
 - (B) The defendant did not use a deadly weapon or any object, device, or instrument which when used offensively against a person would be likely to or actually did result in serious bodily injury during the commission of the offense;
 - (C) The court has not found evidence of a relevant similar transaction;
 - (D) The victim did not suffer any serious physical injury during the commission of the offense;
 - (E) The offense did not involve the asportation against the will of the victim; and
 - (F) The victim was not physically restrained during the commission of the offense.
- (2) If the court deviates in sentencing pursuant to this subsection, the judge shall issue a written order setting forth the judge's reasons. Any such order shall be appealable by the defendant pursuant to Code Section 5-6-34, or by the State of Georgia pursuant to Code Section 5-7-1.
- (d) If the court imposes a probated sentence, the defendant shall submit to review by the Sexual Offender Registration Review Board for purposes of risk assessment classification within ten days of being sentenced and shall otherwise comply with Article 2 of Chapter 1 of Title 42."

SECTION 22.

Said title is further amended in subsection (b) of Code Section 17-10-30, relating to the procedure for implementation of the death penalty generally, by striking "or" at the end of paragraph (9), by adding "; or" at the end of paragraph (10), and by adding a new paragraph (11) to read as follows:

"(11) The offense of murder, rape, or kidnapping was committed by a person previously convicted of rape, aggravated sodomy, aggravated child molestation, or aggravated sexual battery."

SECTION 23.

Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and agencies, is amended by striking subparagraph (A) of paragraph (4) of Code Section 35-3-30, relating to definitions used for the Georgia Crime Information Center article, and inserting in lieu thereof the following:

"(A) 'Criminal history record information' means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, accusations, information, or other formal charges, and any disposition arising therefrom, sentencing, correctional supervision, and release. Such term also includes the age and sex of each victim as provided by criminal justice agencies. The term does not include identification information, such as fingerprint records, to the extent that such information does not indicate involvement of the individual in the criminal justice system."

SECTION 24.

Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to issuance, expiration, and renewal of drivers' licenses, is amended by adding a new Code Section 40-5-38 to read as follows:

"40-5-38.

(a)(1) Whenever any person is convicted on or after July 1, 2006, of a crime for which such person is required to register pursuant to Code Section 42-1-12, the court in which such conviction was entered shall issue an order canceling the person's driver's license.

(2) Upon entering an order as required in this Code section, the court in which such conviction was entered shall require the surrender to it of any driver's license then held by the person so convicted and the court shall thereupon forward the same to the department, together with a copy of the order reflecting the cancellation of the person's driver's license.

(3) Any person subject to an order of license cancellation entered pursuant to this Code section shall surrender his or her driver's license immediately to the court. If the license is lost or for any other reason surrender to the court is impossible, the court shall include such information in the order.

(4) Upon receipt of an order issued pursuant to this Code section, the department shall cancel the driver's license of the person so convicted and no new driver's license shall be issued to the person unless he or she shall apply for a new license.

(b)(1) Any person whose driver's license has been canceled in accordance with subsection (a) of this Code section may apply for a new driver's license which shall be identifiable to law enforcement officers as a license issued to a convicted sex offender subject to registration. The department shall verify that the applicant is registered in

accordance with Code Section 42-1-12 and, upon verification, shall issue a new driver's license in accordance with this Code section. If the sexual offender is not registered, the department shall not issue a new driver's license.

(2) Any person who was convicted prior to July 1, 2006, who is required to register pursuant to Code Section 42-1-12, and whose driver's license expires or is canceled shall apply for a new driver's license which shall be identifiable to law enforcement officers as a license issued to a convicted sexual offender subject to registration. The department shall verify that the applicant is registered in accordance with Code Section 42-1-12 and, upon verification, shall issue a new driver's license in accordance with this Code section. If the sexual offender is not registered, the department shall not issue a new driver's license.

(3) Any person who is subject to the registration requirements of Code Section 42-1-12 shall only have a driver's license which is identifiable to law enforcement officers as a license issued to a convicted sexual offender subject to registration unless and until he or she provides satisfactory proof to the department that he or she is no longer subject to registration pursuant to Code Section 42-1-12.

(4) Any person who is subject to the provisions of this Code section shall not be eligible to renew, replace, or otherwise obtain his or her driver's license by any means other than appearance in person.

(c) The department shall, by rule and regulation, provide that all licenses issued to applicants subject to this Code section shall be so designated as to be readily distinguishable by law enforcement officers from all other licenses issued to other applicants.

(d) The department shall provide a list annually to the Georgia Bureau of Investigation containing the name, address, date of birth, and driver's license number of each person to whom a driver's license was issued pursuant to this Code section."

SECTION 25.

Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended by designating Code Sections 42-1-1 through 42-1-11 as Article 1 of Chapter 1, striking in their entirety Code Sections 42-1-12 and 42-1-13, and inserting in their place a new Article 2 to read as follows:

"ARTICLE 2

42-1-12.

(a) As used in this article, the term:

(1) 'Address' means the street or route address of the sexual offender's residence. For purposes of this Code section, the term does not mean a post office box, and homeless does not constitute an address.

(2) 'Appropriate official' means:

(A) With respect to a sexual offender who is sentenced to probation without any sentence of incarceration in the state prison system or who is sentenced pursuant to

Article 3 of Chapter 8 of this title, relating to first offenders, the Division of Probation of the Department of Corrections;

(B) With respect to a sexual offender who is sentenced to a period of incarceration in a prison under the jurisdiction of the Department of Corrections and who is subsequently released from prison or placed on probation, the commissioner of corrections or his or her designee;

(C) With respect to a sexual offender who is placed on parole, the chairperson of the State Board of Pardons and Paroles or his or her designee; and

(D) With respect to a sexual offender who is placed on probation through a private probation agency, the director of the private probation agency or his or her designee.

(3) 'Area where minors congregate' shall include all public and private parks and recreation facilities, playgrounds, skating rinks, neighborhood centers, gymnasiums, bus stops, and all other places established for the public to congregate and wait for public transportation.

(4) 'Assessment criteria' means the tests that the board members use to determine the likelihood that a sexual offender will commit another criminal offense against a victim who is a minor or commit a dangerous sexual offense.

(5) 'Board' means the Sexual Offender Registration Review Board.

(6) 'Child care facility' means all public and private pre-kindergarten facilities, day-care centers, child care learning centers, preschool facilities, and long-term care facilities for children.

(7) 'Church' means a place of public religious worship.

(8) 'Conviction' includes a final judgment of conviction entered upon a verdict or finding of guilty of a crime, a plea of guilty, or a plea of nolo contendere. A defendant who is discharged without adjudication of guilt and who is not considered to have a criminal conviction pursuant to Article 3 of Chapter 8 of this title, relating to first offenders, shall be subject to the registration requirements of this Code section for the period of time prior to the defendant's discharge after completion of his or her sentence or upon the defendant being adjudicated guilty. Unless otherwise required by federal law, a defendant who is discharged without adjudication of guilt and who is not considered to have a criminal conviction pursuant to Article 3 of Chapter 8 of this title, relating to first offenders, shall not be subject to the registration requirements of this Code section upon the defendant's discharge.

(9)(A) 'Criminal offense against a victim who is a minor' with respect to convictions occurring on or before June 30, 2001, means any criminal offense under Title 16 or any offense under federal law or the laws of another state or territory of the United States which consists of:

- (i) Kidnapping of a minor, except by a parent;
- (ii) False imprisonment of a minor, except by a parent;
- (iii) Criminal sexual conduct toward a minor;
- (iv) Solicitation of a minor to engage in sexual conduct;
- (v) Use of a minor in a sexual performance;
- (vi) Solicitation of a minor to practice prostitution; or

(vii) Any conviction resulting from an underlying sexual offense against a victim who is a minor.

(B) 'Criminal offense against a victim who is a minor' with respect to convictions occurring after June 30, 2001, means any criminal offense under Title 16 or any offense under federal law or the laws of another state or territory of the United States which consists of:

- (i) Kidnapping of a minor, except by a parent;
- (ii) False imprisonment of a minor, except by a parent;
- (iii) Criminal sexual conduct toward a minor;
- (iv) Solicitation of a minor to engage in sexual conduct;
- (v) Use of a minor in a sexual performance;
- (vi) Solicitation of a minor to practice prostitution;
- (vii) Use of a minor to engage in any sexually explicit conduct to produce any visual medium depicting such conduct;
- (viii) Creating, publishing, selling, distributing, or possessing any material depicting a minor or a portion of a minor's body engaged in sexually explicit conduct;
- (ix) Transmitting, making, selling, buying, or disseminating by means of a computer any descriptive or identifying information regarding a child for the purpose of offering or soliciting sexual conduct of or with a child or the visual depicting of such conduct;
- (x) Conspiracy to transport, ship, receive, or distribute visual depictions of minors engaged in sexually explicit conduct; or
- (xi) Any conduct which, by its nature, is a sexual offense against a minor.

(C) For purposes of subparagraph (a)(9)(B) of this Code section, conduct which is punished as for a misdemeanor or which is prosecuted in juvenile court shall not be considered a criminal offense against a victim who is a minor.

(10)(A) 'Dangerous sexual offense' with respect to convictions occurring after June 30, 2006, means any criminal offense under Title 16 as specified in this paragraph or any offense under federal law or the laws of another state or territory of the United States which consists of the same or similar elements of the following offenses:

- (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-2;
- (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who is less than 14 years of age, except by a parent;
- (iii) False imprisonment in violation of Code Section 16-5-41 which involves a victim who is less than 14 years of age, except by a parent;
- (iv) Rape in violation of Code Section 16-6-1;
- (v) Sodomy in violation of Code Section 16-6-2;
- (vi) Aggravated sodomy in violation of Code Section 16-6-2;
- (vii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted of the offense is 21 years of age or older;
- (viii) Child molestation in violation of Code Section 16-6-4;

- (ix) Aggravated child molestation in violation of Code Section 16-6-4, unless the person was convicted of a misdemeanor offense;
- (x) Enticing a child for indecent purposes in violation of Code Section 16-6-5;
- (xi) Sexual assault against persons in custody in violation of Code Section 16-6-5.1;
- (xii) Incest in violation of Code Section 16-6-22;
- (xiii) A second conviction for sexual battery in violation of Code Section 16-6-22.1;
- (xiv) Aggravated sexual battery in violation of Code Section 16-6-23;
- (xv) Sexual exploitation of children in violation of Code Section 16-12-100;
- (xvi) Electronically furnishing obscene material to minors in violation of Code Section 16-12-100.1;
- (xvii) Computer pornography and child exploitation prevention in violation of Code Section 16-12-100.2;
- (xviii) Obscene telephone contact in violation of Code Section 16-12-100.3; or
- (xix) Any conduct which, by its nature, is a sexual offense against a minor or an attempt to commit a sexual offense against a minor.

(B) For purposes of this paragraph, conduct which is punished as for a misdemeanor or which is prosecuted in juvenile court shall not be considered a dangerous sexual offense.

(11) 'Institution of higher education' means a private or public community college, state university, state college, or independent postsecondary institution.

(12) 'Level I risk assessment classification' means the sexual offender is a low sex offense risk and low recidivism risk for future sexual offenses.

(13) 'Level II risk assessment classification' means the sexual offender is an intermediate sex offense risk and intermediate recidivism risk for future sexual offenses and includes all sexual offenders who do not meet the criteria for classification either as a sexually dangerous predator or for Level I risk assessment.

(14) 'Minor' means any individual under the age of 18 years and any individual that the sexual offender believed at the time of the offense was under the age of 18 years if such individual was the victim of an offense.

(15) 'Required registration information' means:

(A) Name; social security number; age; race; sex; date of birth; height; weight; hair color, eye color, fingerprints; and photograph;

(B) Address of any permanent residence and address of any current temporary residence, within the state or out of state, and, if applicable in addition to the address, a rural route address and a post office box;

(C) If the place of residence is a motor vehicle or trailer, provide the vehicle identification number, the license tag number, and a description, including color scheme, of the motor vehicle or trailer;

(D) If the place of residence is a mobile home, provide the mobile home location permit number; the name and address of the owner of the home; a description,

including the color scheme of the mobile home; and, if applicable, a description of where the mobile home is located on the property;

(E) If the place of residence is a manufactured home, provide the name and address of the owner of the home; a description, including the color scheme of the manufactured home; and, if applicable, a description of where the manufactured home is located on the property;

(F) If the place of residence is a vessel, live-aboard vessel, or houseboat, provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat;

(G) Date of employment, place of any employment, and address of employer;

(H) Place of vocation and address of the place of vocation;

(I) Vehicle make, model, color, and license tag number;

(J) If enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the name, address, and county of each institution, including each campus attended, and enrollment or employment status; and

(K) The name of the crime or crimes for which the sexual offender is registering and the date released from prison or placed on probation, parole, or supervised release.

(16) 'Risk assessment classification' means the notification level into which a sexual offender is placed based on the board's assessment.

(17) 'School' means all public and private kindergarten, elementary, and secondary schools.

(18) 'Sexual offender' means any individual:

(A) Who has been convicted of a criminal offense against a victim who is a minor or any dangerous sexual offense; or

(B) Who has been convicted under the laws of another state or territory, under the laws of the United States, under the Uniform Code of Military Justice, or in a tribal court of a criminal offense against a victim who is a minor or a dangerous sexual offense.

(19) 'Sexually dangerous predator' means a sexual offender:

(A) Who was designated as a sexually violent offender between July 1, 1996, and June 30, 2006; or

(B) Who has been convicted on or after July 1, 2006, of a dangerous sexual offense; and

who is determined by the Sexual Offender Registration Review Board to be at risk of perpetrating any future dangerous sexual offense.

(20) 'Vocation' means any full-time, part-time, or volunteer employment with or without compensation exceeding 14 consecutive days or for an aggregate period of time exceeding 30 days during any calendar year.

(b) Before a sexual offender who is required to register under this Code section is released from prison or placed on parole, supervised release, or probation, the appropriate official shall:

- (1) Inform the sexual offender of the obligation to register, the amount of the registration fee, and how to maintain registration;
 - (2) Obtain the information necessary for the required registration information;
 - (3) Inform the sexual offender that, if the sexual offender changes any of the required registration information, other than residence address, the sexual offender shall give the new information to the sheriff of the county with whom the sexual offender is registered within 72 hours of the change of information; if the information is the sexual offender's new residence address, the sexual offender shall give the information to the sheriff of the county with whom the sexual offender last registered within 72 hours prior to moving and to the sheriff of the county to which the sexual offender is moving within 72 hours after the change of information;
 - (4) Inform the sexual offender that he or she shall also register in any state where he or she is employed, carries on a vocation, or is a student;
 - (5) Inform the sexual offender that, if he or she changes residence to another state, the sexual offender shall register the new address with the sheriff of the county with whom the sexual offender last registered, and that the sexual offender shall also register with a designated law enforcement agency in the new state within 72 hours after establishing residence in the new state;
 - (6) Obtain fingerprints and a current photograph of the sexual offender;
 - (7) Require the sexual offender to read and sign a form stating that the obligations of the sexual offender have been explained;
 - (8) Obtain and forward any information obtained from the clerk of court pursuant to Code Section 42-5-50 to the sheriff's office of the county in which the sexual offender will reside; and
 - (9) If required by Code Section 42-1-14, place any required electronic monitoring device on the sexually dangerous predator and explain its operation and cost.
- (c) The Department of Corrections shall:
- (1) Forward to the Georgia Bureau of Investigation a copy of the form stating that the obligations of the sexual offender have been explained;
 - (2) Forward any required registration information to the Georgia Bureau of Investigation;
 - (3) Forward the sexual offender's fingerprints and photograph to the sheriff's office of the county where the sexual offender is going to reside;
 - (4) Inform the board and the prosecuting attorney for the jurisdiction in which a sexual offender was convicted of the impending release of a sexual offender at least eight months prior to such release so as to facilitate compliance with Code Section 42-1-14; and
 - (5) Keep all records of sexual offenders in a secure facility until official proof of death of a registered sexual offender and thereafter the records shall be destroyed in accordance with Code Sections 15-1-10, 15-6-62, and 15-6-62.1.
- (d) No sexual offender shall be released from prison or placed on parole, supervised release, or probation until:

- (1) The appropriate official has provided the Georgia Bureau of Investigation and the sheriff's office in the county where the sexual offender will be residing with the sexual offender's required registration information and risk assessment classification level; and
 - (2) The sexual offender's name has been added to the list of sexual offenders maintained by the Georgia Bureau of Investigation and the sheriff's office as required by this Code section.
- (e) Registration pursuant to this Code section shall be required by any individual who:
- (1) Is convicted on or after July 1, 1996, of a criminal offense against a victim who is a minor;
 - (2) Is convicted on or after July 1, 2006, of a dangerous sexual offense;
 - (3) Has previously been convicted of a criminal offense against a minor and may be released from prison or placed on parole, supervised release, or probation on or after July 1, 1996;
 - (4) Has previously been convicted of a sexually violent offense and may be released from prison or placed on parole, supervised release, or probation;
 - (5) Is a resident of Georgia who intends to reside in this state and who is convicted under the laws of another state or the United States, under the Uniform Code of Military Justice, or in a tribal court of a sexually violent offense, a criminal offense against a victim who is a minor on or after July 1, 1999, or a dangerous sexual offense on or after July 1, 2006;
 - (6) Is a nonresident sexual offender who changes residence from another state or territory of the United States to Georgia who is required to register as a sexual offender under federal law, military law, tribal law, or the laws of another state or territory, regardless of when the conviction occurred;
 - (7) Is a nonresident sexual offender who enters this state for the purpose of employment or any other reason for a period exceeding 14 consecutive days or for an aggregate period of time exceeding 30 days during any calendar year regardless of whether such sexual offender is required to register under federal law, military law, tribal law, or the laws of another state or territory; or
 - (8) Is a nonresident sexual offender who enters this state for the purpose of attending school as a full-time or part-time student regardless of whether such sexual offender is required to register under federal law, military law, tribal law, or the laws of another state or territory.
- (f) Any sexual offender required to register under this Code section shall:
- (1) Provide the required registration information to the appropriate official before being released from prison or placed on parole, supervised release, or probation;
 - (2) Register with the sheriff of the county in which the sexual offender resides within 72 hours after the sexual offender's release from prison or placement on parole, supervised release, probation, or entry into this state;
 - (3) Maintain the required registration information with the sheriff of the county in which the sexual offender resides;

(4) Renew the required registration information with the sheriff of the county in which the sexual offender resides by reporting to the sheriff within 72 hours prior to such offender's birthday each year to be photographed and fingerprinted;

(5) Update the required registration information with the sheriff of the county in which the sexual offender resides within 72 hours of any change to the required registration information, other than residence address; if the information is the sexual offender's new residence address, the sexual offender shall give the information to the sheriff of the county with whom the sexual offender last registered within 72 hours prior to any change of residence address and to the sheriff of the county to which the sexual offender is moving within 72 hours after establishing the new residence;

(6) If convicted of a dangerous sexual offense on or after July 1, 2006, pay to the sheriff of the county where the sexual offender resides an annual registration fee of \$250.00 upon each anniversary of such registration; and

(7) Continue to comply with the registration requirements of this Code section for the entire life of the sexual offender, including ensuing periods of incarceration.

(g)(1) Any sexual offender required to register under this Code section who meets the criteria set forth in paragraph (2) of this Code section may petition the superior court of the jurisdiction in which the sexual offender is registered to be released from the registration requirements of this Code section. The court may issue an order releasing the sexual offender from further registration if the court finds that the sexual offender does not pose a substantial risk of perpetrating any future dangerous sexual offense.

(2) In order to petition the court pursuant to paragraph (1) of this subsection, the sexual offender shall:

(A) Have been convicted of:

(i) Sodomy, as defined in Code Section 16-6-2;

(ii) Statutory rape, as defined in Code Section 16-6-3;

(iii) Child molestation, as defined in subsection (a) of Code Section 16-6-4;

(iv) Aggravated child molestation when the basis of the charge involves an act of sodomy; or

(v) Enticing a child for indecent purposes, as defined in Code Section 16-6-5;

(B) Have been under 21 years of age at the time of the commission of the offense;

(C) Not have a prior conviction of an offense prohibited by Chapter 6 of Title 16 or Part 2 of Article 3 of Chapter 12 of Title 16, nor a prior conviction for any offense under federal law or the laws of another state or territory of the United States which consists of the same or similar elements of offenses prohibited by Chapter 6 of Title 16 or Part 2 of Article 3 of Chapter 12 of Title 16;

(D) Not have used a deadly weapon or any object, device, or instrument which when used offensively against a person would be likely to or actually did result in serious bodily injury during the commission of the offense;

(E) Not have caused the victim to suffer any physical injury or visible bodily harm during the commission of the offense;

(F) Have been declared a Level I risk assessment classification by the board if convicted on or after July 1, 2006, or if convicted prior to July 1, 2006, have

requested the board for an evaluation and have been declared by the board to be a Level I risk assessment classification; and

(G) Have had ten years elapse since his or her release from prison, parole, supervised release, or probation.

(h)(1) The appropriate official or sheriff shall, within 72 hours after receipt of the required registration information, forward such information to the Georgia Bureau of Investigation. Once the data is entered into the Criminal Justice Information System by the appropriate official or sheriff, the Georgia Crime Information Center shall notify the sheriff of the sexual offender's county of residence, either permanent or temporary, the sheriff of the county of employment, and the sheriff of the county where the sexual offender attends an institution of higher education within 24 hours of entering the data or any change to the data.

(2) The Georgia Bureau of Investigation shall:

(A) Transmit all information, including the conviction data and fingerprints, to the Federal Bureau of Investigation within 24 hours of entering the data;

(B) Establish operating policies and procedures concerning record ownership, quality, verification, modification, and cancellation; and

(C) Perform mail out and verification duties as follows:

(i) Send each month Criminal Justice Information System network messages to sheriffs listing sexual offenders due for verification;

(ii) Create a photo image file from original entries and provide such entries to sheriffs to assist in sexual offender identification and verification;

(iii) Mail a nonforwardable verification form to the last reported address of the sexual offender within ten days prior to the sexual offender's birthday;

(iv) If the sexual offender changes residence to another state, notify the law enforcement agency with which the sexual offender shall register in the new state; and

(v) Maintain records required under this Code section.

(i) The sheriff's office in each county shall:

(1) Prepare and maintain a list of all sexual offenders and sexually dangerous predators residing in each county. Such list shall include the sexual offender's name; age; physical description; address; crime of conviction, including conviction date and the jurisdiction of the conviction; photograph; and the risk assessment classification level provided by the board, and an explanation of how the board classifies sexual offenders and sexually dangerous predators;

(2) Electronically submit and update all information provided by the sexual offender within two working days to the Georgia Bureau of Investigation in a manner prescribed by the Georgia Bureau of Investigation;

(3) Maintain and post a list of every sexual offender residing in each county:

(A) In the sheriff's office;

(B) In any county administrative building;

(C) In the main administrative building for any municipal corporation;

- (D) In the office of the clerk of the superior court so that such list is available to the public; and
- (E) On a website maintained by the sheriff of the county for the posting of general information;
- (4) Update the public notices required by paragraph (3) of this Code section within two working days;
- (5) Inform the public of the presence of sexual offenders in each community;
- (6) Update the list of sexual offenders residing in the county upon receipt of new information affecting the residence address of a sexual offender or upon the registration of a sexual offender moving into the county by virtue of release from prison, relocation from another county, conviction in another state, federal court, military tribunal, or tribal court. Such list, and any additions to such list, shall be delivered immediately to all schools or institutions of higher education located in the county;
- (7) Within 72 hours of the receipt of changed required registration information, notify the Georgia Bureau of Investigation through the Criminal Justice Information System of each change of information;
- (8) Retain the verification form stating that the sexual offender still resides at the address last reported;
- (9) Enforce the criminal provisions of this Code section. The sheriff may request the assistance of the Georgia Bureau of Investigation to enforce the provisions of this Code section;
- (10) Cooperate and communicate with other sheriffs' offices in this state and in the United States to maintain current data on the location of sexual offenders;
- (11) Determine the appropriate time of day for reporting by sexual offenders, which shall be consistent with the reporting requirements of this Code section;
- (12) If required by Code Section 42-1-14, place any electronic monitoring device on the sexually dangerous predator and explain its operation and cost;
- (13) Provide current information on names and addresses of all registered sexual offenders to campus police with jurisdiction for the campus of an institution of higher education if the campus is within the sheriff's jurisdiction; and
- (14) Collect the annual \$250.00 registration fee from the sexual offender and transmit such fees to the state for deposit into the General Fund.
- (j)(1) The sheriff of the county where the sexual offender resides or last registered shall be the primary law enforcement official charged with communicating the whereabouts of the sexual offender and any changes in required registration information to the sheriff's office of the county or counties where the sexual offender is employed, volunteers, attends an institution of higher education, or moves.
- (2) The sheriff's office may post the list of sexual offenders in any public building in addition to those locations enumerated in subsection (h) of this Code section.
- (k) The Georgia Crime Information Center shall create the Criminal Justice Information System network transaction screens by which appropriate officials shall enter original data required by this Code section. Screens shall also be created for

sheriffs' offices for the entry of record confirmation data; employment; changes of residence, institutions of higher education, or employment; or other pertinent data to assist in sexual offender identification.

(l)(1) On at least an annual basis, the Department of Education shall obtain from the Georgia Bureau of Investigation a complete list of the names and addresses of all registered sexual offenders and shall send such list, accompanied by a hold harmless provision, to each school in this state. In addition, the Department of Education shall provide information to each school in this state on accessing and retrieving from the Georgia Bureau of Investigation's website a list of the names and addresses of all registered sexual offenders.

(2) On at least an annual basis, the Department of Early Care and Learning shall provide current information to all child care programs regulated pursuant to Code Section 20-1A-10 and to all child care learning centers, day-care, group day-care, and family day-care programs regulated pursuant to Code Section 49-5-12 on accessing and retrieving from the Georgia Bureau of Investigation's website a list of the names and addresses of all registered sexual offenders and shall include, on a continuing basis, such information with each application for licensure, commissioning, or registration for early care and education programs.

(3) On at least an annual basis, the Department of Human Resources shall provide current information to all long-term care facilities for children on accessing and retrieving from the Georgia Bureau of Investigation's website a list of the names and addresses of all registered sexual offenders.

(m) Within ten days of the filing of a defendant's discharge and exoneration of guilt pursuant to Article 3 of Chapter 8 of this title, the clerk of court shall transmit the order of discharge and exoneration to the Georgia Bureau of Investigation and any sheriff maintaining records required under this Code section.

(n) Any individual who:

(1) Is required to register under this Code section and who fails to comply with the requirements of this Code section;

(2) Provides false information; or

(3) Fails to respond directly to the sheriff within 72 hours of such individual's birthday

shall be guilty of a felony and shall be punished by imprisonment for not less than ten nor more than 30 years; provided, however, that upon the conviction of the second offense under this subsection, the defendant shall be punished by imprisonment for life.

(o) The information collected pursuant to this Code section shall be treated as private data except that:

(1) Such information may be disclosed to law enforcement agencies for law enforcement purposes;

(2) Such information may be disclosed to government agencies conducting confidential background checks; and

(3) The Georgia Bureau of Investigation or any sheriff maintaining records required under this Code section shall, in addition to the requirements of this Code section to

inform the public of the presence of sexual offenders in each community, release such other relevant information collected under this Code section that is necessary to protect the public concerning sexual offenders required to register under this Code section, except that the identity of a victim of an offense that requires registration under this Code section shall not be released.

(p) The Board of Public Safety is authorized to promulgate rules and regulations necessary for the Georgia Bureau of Investigation and the Georgia Crime Information Center to implement and carry out the provisions of this Code section.

(q) Law enforcement agencies, employees of law enforcement agencies, and state officials shall be immune from liability for good faith conduct under this article.

42-1-13.

(a) The Sexual Offender Registration Review Board shall be composed of three professionals licensed under Title 43 and knowledgeable in the field of the behavior and treatment of sexual offenders; at least one representative from a victims' rights advocacy group or agency; and at least two representatives from law enforcement, each of whom is either employed by a law enforcement agency as a certified peace officer under Title 35 or retired from such employment. The members of the board shall be appointed by the commissioner of human resources for terms of four years. On and after July 1, 2006, successors to the members of the board shall be appointed by the Governor. Members of the board shall take office on the first day of September immediately following the expired term of that office and shall serve for a term of four years and until the appointment of their respective successors. No member shall serve on the board more than two consecutive terms. Vacancies occurring on the board, other than those caused by expiration of a term of office, shall be filled in the same manner as the original appointment to the position vacated for the remainder of the unexpired term and until a successor is appointed. Members shall be entitled to an expense allowance and travel cost reimbursement the same as members of certain other boards and commissions as provided in Code Section 45-7-21.

(b) The board shall be attached to the Department of Human Resources for administrative purposes and, provided there is adequate funding, shall:

(1) Exercise its quasi-judicial, rule-making, or policy-making functions independently of the department and without approval or control of the department;

(2) Prepare its budget, if any, and submit its budgetary requests, if any, through the department; and

(3) Hire its own personnel if authorized by the Constitution of this state or by statute or if the General Assembly provides or authorizes the expenditure of funds therefor.

(c) Members of the board shall be immune from liability for good faith conduct under this article.

42-1-14.

(a) The board shall determine the likelihood that a sexual offender will engage in another crime against a victim who is a minor or a dangerous sexual offense. The

board shall make such determination for any sexual offender convicted on or after July 1, 2006, of a criminal act against a minor or a dangerous sexual offense and for any sexual offender incarcerated on July 1, 2006, but convicted prior to July 1, 2006, of a criminal act against a minor. Such determination shall not be required to be made by the board until January 1, 2007; provided, however, that such persons shall be subject to this Code section. A sexual offender shall be placed into Level I risk assessment classification, Level II risk assessment classification, or sexually dangerous predator classification based upon the board's assessment criteria and information obtained and reviewed by the board. The sexual offender may provide the board with information including, but not limited to, psychological evaluations, sexual history polygraph information, treatment history, personal, social, educational, and work history, and may agree to submit to a psychosexual evaluation or sexual history polygraph conducted by the board. If the sexual offender has undergone treatment through the Department of Corrections, such treatment records shall also be submitted to the board for evaluation. The prosecuting attorney shall provide the board with any information available to assist the board in rendering an opinion, including, but not limited to, criminal history and records related to previous criminal history. On and after July 1, 2006, the clerk of court shall send a copy of the sexual offender's conviction to the board and notify the board that a sexual offender's evaluation will need to be performed. The board shall render its recommendation for risk assessment classification within:

- (1) Sixty days of receipt of a request for an evaluation if the sexual offender is being sentenced pursuant to subsection (c) of Code Section 17-10-6.2;
- (2) Six months prior to the sexual offender's proposed release from confinement if the offender is incarcerated; and
- (3) Forty-five days of receipt of the required registration information if the sexual offender has entered this state from another state and registered as a sexual offender.

The board shall send a copy of its risk assessment classification to the Department of Corrections, sexual offender, and sentencing court, if applicable.

(b)(1) If the sexual offender has been sentenced pursuant to subsection (c) of Code Section 17-10-6.2, after receiving a recommendation from the board that he or she be classified as a sexually dangerous predator, the sexual offender may request that the sentencing court set a date to conduct a hearing affording the sexual offender the opportunity to present testimony or evidence relevant to the recommended classification. After the hearing and within 60 days of receiving the report, the court shall issue a ruling as to whether or not the sexual offender shall be classified as a sexually dangerous predator. If the court determines the sexual offender to be a sexually dangerous predator, such fact shall be communicated in writing to the appropriate official, the Georgia Bureau of Investigation, and the sheriff of the county where the sexual offender resides.

(2) If the sexual offender received a sentence of imprisonment and was sentenced for a dangerous sexual offense on or after July 1, 2006, or if the sexual offender is incarcerated on July 1, 2006, for a crime against a victim who is a minor, after receiving a recommendation from the board that he or she be classified as a sexually

dangerous predator, the sexual offender may request that the sentencing court set a date to conduct a hearing affording the sexual offender the opportunity to present testimony or evidence relevant to the recommended classification. After the hearing and within 60 days of receiving the report, the court shall issue a ruling as to whether or not the sexual offender shall be classified as a sexually dangerous predator. If the court determines the sexual offender to be a sexually dangerous predator, such fact shall be communicated in writing to the appropriate official, the Georgia Bureau of Investigation, and the sheriff of the county where the sexual offender resides.

(c) Any sexual offender who changes residence from another state or territory of the United States to this state and who is not designated as a sexually dangerous predator, sexual predator, or a sexually violent predator shall have his or her required registration information forwarded by the sheriff of his or her county of registration to the board for the purpose of risk assessment classification. After receiving a recommendation from the board that he or she be classified as a sexually dangerous predator, the sexual offender may, within 30 days after the issuance of such classification, request a hearing before an administrative law judge. Such hearing shall be conducted in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The decision of the administrative law judge shall constitute the final decision of the board subject to the right of judicial review in accordance with Chapter 13 of Title 50. If the final determination is that the sexual offender is classified as a sexually dangerous predator, such fact shall be communicated in writing to the appropriate official, the Georgia Bureau of Investigation, and the sheriff of the county where the sexual offender resides.

(d) Any individual who was classified as a sexually violent predator prior to July 1, 2006, shall be classified as a sexually dangerous predator on and after July 1, 2006.

(e) Any sexually dangerous predator shall be required to wear an electronic monitoring device that, at a minimum, shall provide:

- (1) Continuous near real-time tracking of the geographic location of the sexually dangerous predator 24 hours per day, seven days per week using a global positioning system based on satellite and other location technology;

- (2) A continuous wear active global positioning system tracking device, permanently attached to the sexually dangerous predator's body, which timely receives the location information, stores and archives the location information, and transmits the location information to a monitoring center to automatically report if the predator is in a prohibited area or departs from a specified geographic limitation or if the predator removes or tampers with the tracking device; and

- (3) A system that automatically compares and correlates the geographic positions of monitored predators with law enforcement agencies' reported crime incidents and automatically generates a daily report showing whether the predator was in the proximity of such reported crime incidents.

Such monitor shall be worn by a sexually dangerous predator for the remainder of his or her natural life. The sexually dangerous predator shall pay the cost of such monitor to the Department of Corrections if the sexually dangerous predator is on probation; to the Board of Pardons and Paroles if the sexually dangerous predator is on parole; and to

the sheriff after the sexually dangerous predator completes his or her term of probation and parole or if the sexually dangerous predator has moved to this state from another state, territory, or country. The monitor shall be placed upon the sexually dangerous predator prior to his or her release from confinement. If the sexual offender is not in custody, within 72 hours of the decision classifying the sexual offender as a sexually dangerous predator by the court in accordance with subsection (b) of this Code section or a final decision pursuant to subsection (c) of this Code section, whichever applies to the sexual offender's situation, the sexually dangerous predator shall report to the sheriff of the county of his or her residence for purposes of having the monitor placed on the sexually dangerous predator.

(f) In addition to the requirements of registration for all sexual offenders, a sexually dangerous predator shall report to the sheriff of the county where such predator resides six months following his or her birth month and update or verify his or her required registration information.

42-1-15.

(a) No individual required to register pursuant to Code Section 42-1-12 shall reside or loiter within 1,000 feet of any child care facility, church, school, or area where minors congregate. Such distance shall be determined by measuring from the outer boundary of the property on which the individual resides to the outer boundary of the property of the child care facility, church, school, or area where minors congregate at their closest points.

(b) No individual who is required to register under Code Section 42-1-12 shall be employed by any child care facility, school, or church or by any business or entity that is located within 1,000 feet of an area where minors congregate, a child care facility, a school, or a church.

(c) Any sexual offender who knowingly violates the provisions of this Code section shall be guilty of a felony and shall be punished by imprisonment for not less than ten nor more than 30 years.

(d) Nothing in this Code section shall create, either directly or indirectly, any civil cause of action against or result in criminal prosecution of any person, firm, corporation, partnership, trust, or association other than an individual required to be registered under Code Section 42-1-12.

42-1-16.

(a) An individual required to register pursuant to Code Section 42-1-12 shall not be allowed to enter any school or child care facility for the purpose of conducting a parent teacher meeting, visiting, working, or any other purpose except as provided in this Code section. Prior to entering any school or child care facility, a sexual offender shall request permission in writing and receive from the school or facility administrator written authorization to enter the school or child care facility. The school or facility administrator shall respond to the request in writing regarding the decision to authorize such access within three business days from the receipt of the request.

(b) A sexual offender who is also a parent, legal guardian, or authorized caretaker of a child attending a school or child care facility shall not be denied access to enter the grounds of the school or child care facility for the specific purpose of dropping off or picking up such a child in a car pool line or for the purpose of picking up such a child in the event of a medical or family emergency; provided, however, that such access may be denied unless the sexual offender provides prior written notice to the school or facility administrator of his or her requirement to register as a sexual offender. Such notice shall be made at the beginning of the school year or at the time of registration or enrollment or at least five school days prior to dropping off or picking up a child at the school or child care facility. If such notice is not timely received, access to the school or child care facility may be denied.

(c) Any sexual offender who knowingly violates the requirements of this Code section shall be guilty of a misdemeanor."

SECTION 26.

Said title is further amended by striking subsection (b) of Code Section 42-8-35, relating to terms and conditions of probation, and inserting in lieu thereof the following:

"(b) In determining the terms and conditions of probation for a probationer who has been convicted of a criminal offense against a victim who is a minor or dangerous sexual offense as ~~that phrase is~~ those terms are defined in ~~subparagraph (a)(4)(B) of~~ Code Section 42-1-12, the court may provide that the probationer shall be:

(1) Prohibited from entering or remaining present at a victim's school, place of employment, place of residence, or other specified place at times when a victim is present or from ~~entering or remaining present~~ loitering in areas where minors congregate, child care facilities, churches, or schools as those terms are defined in ~~subsection (a) of Code Section 42-1-13~~ 42-1-12;

(2) Required to wear a device capable of tracking the location of the probationer by means including electronic surveillance or global positioning systems. The ~~Unless the probationer is indigent, the~~ department shall assess and collect fees from the probationer for such monitoring at levels set by regulation by the department; and

(3) Prohibited from seeking election to a ~~Local Board of Education~~ local board of education."

SECTION 27.

Said title is further amended by striking Code Section 42-8-60, relating to probation prior to adjudication of guilt, and inserting in lieu thereof the following:

"42-8-60.

(a) Upon a verdict or plea of guilty or a plea of nolo contendere, but before an adjudication of guilt, in the case of a defendant who has not been previously convicted of a felony, the court may, without entering a judgment of guilt and with the consent of the defendant:

(1) Defer further proceeding and place the defendant on probation as provided by law; or

- (2) Sentence the defendant to a term of confinement as provided by law.
- (b) Upon violation by the defendant of the terms of probation, upon a conviction for another crime during the period of probation, or upon the court determining that the defendant is or was not eligible for sentencing under this article, the court may enter an adjudication of guilt and proceed as otherwise provided by law. No person may avail himself or herself of this article on more than one occasion.
- (c) The court shall not sentence a defendant under the provisions of this article and, if sentenced under the provisions of this article, shall not discharge the defendant upon completion of the sentence unless the court has reviewed the defendant's criminal record as such is on file with the Georgia Crime Information Center.
- (d) The court shall not sentence a defendant under the provisions of this article who has been found guilty of or entered a plea of guilty of a plea of nolo contendere for:
- (1) A serious violent felony as such term is defined in Code Section 17-10-6.1;
 - (2) A sexual offense as such term is defined in Code Section 17-10-6.2;
 - (3) Sexual exploitation of a minor as defined in Code Section 16-12-100;
 - (4) Electronically furnishing obscene material to a minor as defined in Code Section 16-12-100.1; or
 - (5) Computer pornography and child exploitation, as defined in Code Section 16-12-100.2."

SECTION 28.

Said title is further amended by striking in its entirety Code Section 42-9-44.1, relating to conditions of parole for sexual offenders, and inserting in lieu thereof the following:

"42-9-44.1.

~~(a) As used in this Code section, the term 'sexual offense' means a violation of Code Section 16-6-1, 16-6-2, 16-6-5.1, 16-6-22, or 16-6-22.2 when the victim was under 18 years of age at the time of the commission of the offense or a violation of Code Section 16-6-3, 16-6-4, or 16-6-5 when the victim was under 14 years of age at the time of the commission of the offense.~~

~~(b)(1) The board shall adopt rules providing that with respect to any person who has been convicted of a sexual offense, as a condition of parole, the offender shall be ordered to give notice of his or her name and address, the crime for which he or she was convicted, and the date of parole to:~~

~~(A) The superintendent of the public school district where the offender will reside; and~~

~~(B) The sheriff of the county wherein the offender will reside.~~

~~(2) The offender shall provide the notice and information required in paragraph (1) of this subsection within ten days of the release on parole or within ten days of setting up residency in the locale where the offender plans to have his or her domicile.~~

~~(c) Any sex offender who has been paroled and who moves his or her legal residence from one county within this state to another county within this state shall be required to provide the information and notice required in subsection (b) of this Code section with~~

~~respect to his or her new residence within ten days after moving during the period of his or her parole.~~

~~(d) Any person who fails to comply with the requirements of this Code section or who provides false information shall, in the case of a person on parole, be in violation of such person's conditions of parole and shall be guilty of a misdemeanor.~~

~~(e) It shall be the duty of the sheriff of each county within this state to maintain a register of the names and addresses of all offenders providing information to the sheriff under this Code section. Such register shall be open to public inspection.~~

~~(f) The requirement that a sex offender provide notice and information pursuant to subsections (b) and (c) of this Code section shall terminate upon the offender's satisfactory completion of his or her terms of parole. Reserved.~~

SECTION 29.

Said title is further amended by striking in its entirety Code Section 42-9-44.2, relating to chemical treatment and counseling as a condition of parole for child molesters, and inserting in lieu thereof the following:

"42-9-44.2.

~~(a) The Board of Pardons and Paroles may in the exercise of its discretion in considering the grant of parole to a person who has been convicted of a second or subsequent offense of child molestation of a child who was 16 years of age or younger at the time of the offense or who has been convicted of a first offense of aggravated child molestation of a child who was 16 years of age or younger at the time of the offense require, as a condition of parole, that such person undergo medroxyprogesterone acetate treatment or its chemical equivalent. While undergoing such treatment, such person must participate in and pay for counseling currently available from a private or public provider of outpatient mental health services. No such treatment shall be administered until such person has consented thereto in writing.~~

~~(b) A person who is required to undergo medroxyprogesterone acetate treatment or its chemical equivalent and counseling as a condition of parole shall begin such treatment prior to his or her release from confinement in the state correctional institution or other institution, but additional treatment may continue after such defendant's release on parole until the defendant demonstrates to the board that such treatment is no longer necessary.~~

~~(c) The provision of treatment required as a condition of parole shall be administered by the State Board of Pardons and Paroles through licensed medical personnel employed by the defendant and approved by the board. Any physician or qualified mental health professional who acts in good faith in compliance with the provisions of this Code section in the administration of treatment or provision of counseling provided for in this Code section shall be immune from civil or criminal liability for his or her actions in connection with such treatment. The Department of Corrections shall permit access by such licensed medical personnel for such purpose to any person required to begin the treatment and counseling while confined in a facility of the department. The medical personnel utilized or approved by the board shall be required to inform the~~

~~person about the effect of hormonal chemical treatment and any side effects that may result from it. A person subject to treatment under this Code section shall acknowledge in writing the receipt of this information. Reserved."~~

SECTION 30.

- (a) This Act shall become effective July 1, 2006.
- (b) Any person required to register pursuant to the provisions of Code Section 42-1-12, relating to the state sexual offender registry, and any person required not to reside within areas where minors congregate, as prohibited by Code Section 42-1-13, shall not be relieved of the obligation to comply with the provisions of said Code sections by the repeal and reenactment of said Code sections.
- (c) The provisions of this Act shall not affect or abate the status as a crime of any such act or omission which occurred prior to the effective date of the Act repealing, repealing and reenacting, or amending such law, nor shall the prosecution of such crime be abated as a result of such repeal, repeal and reenactment, or amendment.

SECTION 31.

All laws and parts of laws in conflict with this Act are repealed.

Representative Keen of the 179th moved that the House disagree to the Senate substitute to HB 1059.

The motion prevailed.

HB 1313. By Representatives Golick of the 34th, Willard of the 49th, Richardson of the 19th, Roberts of the 154th, Smith of the 129th and others:

A BILL to be entitled an Act to amend Title 8 of the O.C.G.A., relating to buildings and housing, Title 22 of the O.C.G.A., relating to eminent domain, and Title 36 of the O.C.G.A., relating to local government, so as to provide for the comprehensive revision of provisions regarding eminent domain; to provide for a short title; to change certain provisions regarding a housing authority's eminent domain power; to change certain language relating to blighted areas; to provide for a new definition of blighted areas; to change certain provisions regarding housing authorities' power of eminent domain; to amend Chapter 3 of Title 23 of the O.C.G.A., relating to equitable remedies and proceedings, so as to grant standing to municipalities and counties to seek certain equitable remedies and proceedings; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL

To amend Titles 8, 22, 23, and 36 of the Official Code of Georgia Annotated, relating to buildings and housing, eminent domain, equity, and local government, respectively, so as to provide for the comprehensive revision of provisions regarding the power of eminent domain; to provide for a short title; to change certain provisions regarding a housing authority's power of eminent domain; to change certain provisions regarding the acquisition powers of housing authorities; to change certain provisions relating to legislative findings regarding blighted properties; to provide for a new definition of blighted properties; to provide for other definitions; to provide for a public use requirement for exercising the power of eminent domain; to change certain provisions relating to the power of eminent domain and the presumption of a public use; to provide for attorney fees in certain cases challenging the use of eminent domain; to provide certain exemptions to the applicability of the power of eminent domain to public utilities; to provide for certain changes regarding eminent domain to require a public use; to change certain provisions regarding when the use of eminent domain is allowed; to provide guidelines for the use of condemnation; to provide for practice and procedure relative to condemnation; to provide for testimony relative to the value of condemned property; to provide for expedited hearings; to provide that the Department of Community Affairs produce a standard notice of rights form; to repeal provisions relating to certain appeals from assessor's awards; to change compensation for special masters; to change provisions relating to the right of appealing the award of the special master in condemnation proceedings; to change provisions relating to the use of condemnation for waterworks; to grant standing to municipalities, counties, and housing authorities to seek certain equitable remedies and proceedings; to provide for certain notification requirements; to provide for certain restrictions regarding the use of eminent domain under or in connection with a redevelopment plan and urban redevelopment; to change certain provisions regarding who must conduct public hearings relating to redevelopment plans; to provide for reconveyance of condemned property under certain circumstances; to provide for reimbursement of reasonable costs and expenses incurred because of condemnation proceedings; to provide for certain exemptions; to provide for revisions for purposes of conformity; to provide for related matters; to provide for an effective date and for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as "The Landowner's Bill of Rights and Private Property Protection Act."

SECTION 2.

Title 8 of the Official Code of Georgia Annotated, relating to buildings and housing, is amended by striking Code Section 8-3-10, relating to vesting of fee simple title upon a housing authority's exercise of power of eminent domain, and inserting in its place a new Code section to read as follows:

"8-3-10.

Whenever a housing authority is or has been created under the terms of this article, and whenever it is determined by the commissioners or other governing body of such authority to be necessary or advisable to exercise the power of eminent domain by condemning property, and whenever the governing authority of the city or county has approved by resolution such exercise of eminent domain authority, and whenever such condemnation proceedings are instituted and carried on under Chapter 2 of Title 22 ~~or through any other method of condemnation provided by law~~, then upon the payment by such authority seeking condemnation of the amount of the award, or the amount of the final judgment on appeal, such authority shall become vested with a fee simple indefeasible title to the property to which such condemnation proceedings relate. It is declared to be necessary in order to enable such authorities to exercise their franchise that, upon such condemnation proceedings being had, such housing authorities shall become vested with fee simple indefeasible title to the property involved in such proceedings."

SECTION 3.

Said title is further amended in Code Section 8-3-30, relating to general powers of housing authorities, by striking paragraph (4) of subsection (a) and inserting in its place a new paragraph (4) to read as follows:

"(4) To lease or rent any dwellings, houses, accommodations, lands, buildings, structures, or facilities embraced in any housing project and, subject to the limitations contained in this article, to establish and revise the rents or charges therefor; to own, hold, and improve real or personal property; to purchase, lease, obtain options upon, or acquire by gift, grant, bequest, devise, or otherwise any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain upon approval by resolution of the governing authority of the city or county any real property that is blighted in accordance with Chapter 4 of this title; to sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest therein; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure insurance or guarantees from the federal government of the payment of any debts or parts thereof, whether or not incurred by said authority, secured by mortgages on any property included in any of its housing projects;"

SECTION 4.

Said title is further amended by striking Code Section 8-3-31, relating to the eminent domain power of a housing authority, and inserting in its place a new Code section to read as follows:

"8-3-31.

An authority shall have the right to acquire by the exercise of the power of eminent domain any real property which is blighted property and is ~~which it may deem~~ necessary for its purposes under this article ~~after the adoption by it of a resolution~~

~~declaring that the acquisition of the real property described therein is necessary for such purposes upon approval by resolution of the governing authority of the city or county within which the property is located and in accordance with Chapter 4 of this title. An authority may exercise the power of eminent domain in the manner provided in Title 22; or it may exercise the power of eminent domain in the manner provided by any other applicable statutory provisions for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired, except that no real property belonging to the city, the county, the state, or any political subdivision thereof may be acquired without the consent of such city, county, state, or other political subdivision."~~

SECTION 5.

Said title is further amended by striking Code Section 8-4-2, relating to legislative findings regarding blighted areas, and inserting a new Code section to read as follows:

"8-4-2.

It is found and declared:

- (1) That there exist in many communities within this state blighted areas properties, as defined in Code Section 8-4-3, or areas properties in the process of becoming blighted;
- (2) That ~~such areas impair economic values and tax revenues; that such areas~~ properties cause an increase in and spread of disease ~~and or~~ crime and constitute a menace to the health, safety, morals, and welfare of the residents of the state; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities;
- (3) That the clearance, replanning, and preparation for rebuilding of these ~~areas~~ properties and the ~~prevention of the~~ reduction of blight and its causes are public uses and purposes for which public money may be spent and private property acquired and are governmental functions of state concern;
- (4) That ~~there are also certain areas where the condition of the title, the diverse ownership of the land to be assembled, the street or lot layouts, or other conditions prevent a proper development of the land which cloud title prevent the free transfer of property;~~ that it is in the public interest that ~~such areas, as well as~~ blighted areas, properties be acquired by eminent domain and made available for sound and wholesome development in accordance with a redevelopment plan; and that the exercise of the power of eminent domain by the governing authorities of cities and counties and the financing of the acquisition and preparation of land by a public agency for such redevelopment is likewise a public use and purpose;
- (5) That redevelopment activities will stimulate residential construction which is closely correlated with general economic activity; and that such undertakings authorized by this chapter will aid the production of better housing and more desirable neighborhood and community development at lower costs and will make possible a more stable and larger volume of residential construction, which will assist materially in achieving and maintaining full employment;

- (6) That there exists an emergency housing shortage of decent, safe, and sanitary dwellings for families of low income; and
- (7) That it is in the public interest that advance preparation for such projects and activities be made now; and that the necessity in the public interest for the provisions enacted by this chapter is declared as a matter of legislative determination."

SECTION 6.

Said title is further amended by striking Code Section 8-4-3, relating to definitions regarding blighted areas, and inserting in its place a new Code section to read as follows:
"8-4-3.

As used in this chapter, the term:

(1) 'Blighted areas' means:

~~(A) Areas in which there is a predominance of buildings or improvements, or which are predominantly residential in character, and which, by reason of:~~

- ~~(i) Dilapidation, deterioration, age, or obsolescence;~~
- ~~(ii) Inadequate provision for ventilation, light, air, sanitation, or open spaces;~~
- ~~(iii) High density of population and overcrowding;~~
- ~~(iv) The existence of conditions which endanger life or property by fire and other causes; or~~
- ~~(v) Any combination of such factors,~~

~~are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime and are detrimental to the public health, safety, morals, or welfare; and~~

~~(B) Areas which, by reason of:~~

- ~~(i) The predominance of defective or inadequate street layout;~~
- ~~(ii) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;~~
- ~~(iii) Insanitary or unsafe conditions;~~
- ~~(iv) Deterioration of site improvements;~~
- ~~(v) Diversity of ownership;~~
- ~~(vi) Tax or special assessment delinquency exceeding the fair value of the land;~~
- ~~(vii) Defective or unusual conditions of title;~~
- ~~(viii) Improper subdivision or obsolete platting;~~
- ~~(ix) The existence of conditions which endanger life or property by fire or other causes; or~~

~~(x) Any combination of such factors, substantially impair or arrest the sound growth of the community, retard the provision of housing accommodations, or constitute an economic or social liability and are a menace to the public health, safety, morals, or welfare in their the area's present condition and use.~~

(1) 'Blighted property,' 'blighted,' or 'blight' means any urbanized or developed property which:

(A) Presents two or more of the following conditions:

- (i) Uninhabitable, unsafe, or abandoned structures;

(ii) Inadequate provisions for ventilation, light, air, or sanitation;

(iii) An imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe respecting which the Governor has declared a state of emergency under state law or has certified the need for disaster assistance under federal law; provided, however, that no property owner who has taken positive steps within one year of the natural catastrophe to protect his or her property in such circumstances shall be subject to condemnation;

(iv) A site identified by the federal Environmental Protection Agency as a Superfund site pursuant to 42 U.S.C. Section 9601, et seq., or environmental contamination to an extent that requires remedial investigation or a feasibility study;

(v) Repeated illegal use of individual properties; or

(vi) The maintenance of the property is below state, county, or municipal codes for at least one year after notice of the code violation; and

(B) Is conducive to ill health, transmission of disease, infant mortality, or crime in the immediate proximity of the property.

Such conditions shall be shown by studies, including but not limited to, government maintained statistics. Property shall not be deemed blighted solely because of esthetic conditions.

(2) 'Redevelopment plan' means a plan, other than a preliminary or tentative plan, for the acquisition, clearance, reconstruction, rehabilitation, or future use of a redevelopment project area. Such plan shall be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements and to indicate the proposed land uses and building requirements in the redevelopment project area.

(3) 'Redevelopment project' means:

(A) Any work or undertaking to acquire blighted property areas or portions thereof, including lands, structures, or improvements, the acquisition of which is necessary or incidental to the proper clearance, development, or redevelopment of such blighted areas properties or to the prevention of the spread or recurrence of ~~slum~~ blighted conditions or conditions of blight;

(B) Any work or undertaking to clear any such ~~areas~~ blighted properties by demolition or removal of existing buildings, structures, streets, utilities, or other improvements thereon and to install, construct, or reconstruct streets, utilities, and site improvements essential to the preparation of sites for uses in accordance with the redevelopment plan;

(C) Any work or undertaking to sell, lease, or otherwise make available land in such ~~areas~~ blighted properties for residential, recreational, commercial, industrial, or other use, or for public use or to retain such land for public use, in accordance with the redevelopment plan; and

(D) The preparation of a redevelopment plan; the planning, survey, and other work incident to a redevelopment project; and the preparation of all plans and arrangements for carrying out a redevelopment project."

SECTION 7.

Said title is further amended by striking Code Section 8-4-4, relating to the powers of housing authorities, and inserting in its place a new Code section to read as follows:

"8-4-4.

(a) Any housing authority established pursuant to Article 1 of Chapter 3 of this title, the 'Housing Authorities Law,' is authorized to prepare or cause to be prepared redevelopment plans and to undertake redevelopment projects within its area of operation, in accordance with this chapter. In undertaking such redevelopment projects, a housing authority shall have all the rights, powers, privileges, and immunities that such authority has under Article 1 of Chapter 3 of this title, the 'Housing Authorities Law,' and any other provision of law relating to ~~slum~~ blight clearance and housing projects for persons of low income, including, without limiting the generality of the foregoing, the power to make and execute contracts, to issue bonds and other obligations and give security therefor, to acquire real property by purchase or by eminent domain or purchase after the governing authority of the city or county within which the property is located has approved the acquisition by resolution pursuant to subsection (b) and provided notice pursuant to subsection (c) of this Code section, and to do any and all things necessary to carry out projects in the same manner as though all of the provisions of law applicable to ~~slum~~ blight clearance and housing projects were applicable to redevelopment projects undertaken under this chapter, provided that nothing contained in Code Sections 8-3-11 and 8-3-12 shall be construed as limiting the power of an authority, in the event of a default by a purchaser or lessee of land in a redevelopment plan, to acquire property and operate it free from the restrictions contained in said Code sections.

(b) For property located within a city, the exercise of eminent domain shall be approved by resolution by the governing authority of the city. For property located in an unincorporated area of a county, the exercise of eminent domain shall be approved by resolution by the governing authority of the county. Any such resolution shall specifically and conspicuously delineate each parcel to be affected.

(c) The governing authority of any city or county acting under this Code section shall:

(1) Not less than 15 days before any meeting at which a resolution approving the exercise of eminent domain is to be considered, post a sign, if possible, in the right of way adjacent to each property that is subject to the proposed use of the eminent domain power stating the time, date, and place of such meeting;

(2) Serve the condemnee personally by a sheriff or deputy with notice of the meeting not less than 15 days before any meeting at which such resolution is to be considered, unless service is acknowledged or waived by the condemnee. If after all efforts made to serve notice to the condemnee under this paragraph are unsuccessful, service of notice may be satisfied by mail or statutory overnight delivery to the property owner

at the address of record and, if different from the property owner, to the parties in possession of the property, return receipt requested;

(3) Ensure that any notice that is required by law to be published be placed in a newspaper of general circulation, but such notice shall not be published in the legal notices section of such newspaper; and

(4) Ensure that any meeting at which such resolution is to be considered and voted on shall commence after 6:00 P.M.

Any such resolution shall specifically and conspicuously delineate each parcel to be affected.

(d) Compliance with this Code section shall be in addition to and not in place of the requirements imposed by Title 22; provided, however, that the requirements set forth in this Code section shall satisfy the requirements provided in Code Section 22-1-10."

SECTION 8.

Said title is further amended by striking Code Section 8-4-8, relating to authorities acquiring and developing lands not within blighted areas for redevelopment projects, and inserting in its place a new Code section to read as follows:

"8-4-8.

(a) Upon a determination, by resolution, of the governing body of the city in which such land is located that the acquisition by purchase and development of undeveloped vacant land, not within a blighted area, is essential to the proper clearance or redevelopment of blighted areas or a necessary part of the general slum clearance program of the city, the acquisition by purchase, planning, preparation for development, or disposal of such land shall constitute a redevelopment project which may be undertaken by the authority in the manner provided in this chapter. The determination by the governing body shall not be made until such body finds that there is a shortage of decent, safe, and sanitary housing in the city; that such undeveloped vacant land will be developed for predominantly residential uses; and that the provision of decent, safe, and sanitary housing on such undeveloped vacant land is necessary to the relocation of families to be displaced from blighted areas in the city which are under redevelopment.

(b) In the undertaking of redevelopment projects on a regional or unified metropolitan basis, which projects involve the acquisition by purchase and development of undeveloped vacant land in one city as an adjunct to the redevelopment of blighted areas in another city, each determination or finding required in this Code section shall be made by the governing body of the city with respect to which the determination or finding relates."

SECTION 9.

Title 22 of the Official Code of Georgia Annotated, relating to eminent domain, is amended by striking Code Section 22-1-1, relating to eminent domain definitions, and inserting in its place a new Code section to read as follows:

"22-1-1.

As used in this title, the term:

- (1) 'Blight' shall have the same meaning as set forth in Code Section 8-4-3.
- (2) 'Common carrier' means any railroad or carrier required by law to convey passengers or freight without refusal if the approved fare or charge is paid.
- (3) 'Condemnor' or 'condemning authority' means:
- (A) The State of Georgia or any branch or any department, board, commission, agency, or authority of the executive branch of the government of the State of Georgia;
 - (B) Any county or municipality of the State of Georgia;
 - (C) Any housing authority with approval of the governing authority of the city or county as provided in Code Section 8-4-4;
 - (D) Any other political subdivision of the State of Georgia which possesses the power of eminent domain; and
 - (E) All public utilities that possess the right or power of eminent domain.
- (4) 'Economic development' means any economic activity to increase tax revenue, tax base, or employment or improve general economic health, when the activity does not result in:
- (A) Transfer of land to public ownership;
 - (B) Transfer of property to a private entity that is a public utility;
 - (C) Lease of property to private entities that occupy an incidental area within a public project; or
 - (D) The remedy of blight.
- (5) 'Each person with a legal claim' means the owner of the property or of any remainder, reversion, mortgage, lease, security deed, or other claim in the property.
- ~~(4)~~(6) 'Interest' means any title or nontitle interest other than fee simple title.
- ~~(2)~~(7) 'Persons' means individuals, partnerships, associations, and corporations, domestic or foreign.
- ~~(3)~~(8) 'Property' means fee simple title.
- (9)(A) 'Public use' means:
- (i) The possession, occupation, and enjoyment of the land by the general public or by state or local governmental entities;
 - (ii) The use of land for the creation or functioning of public utilities;
 - (iii) The opening of roads, the construction of defenses, or the providing of channels of trade or travel;
 - (iv) The acquisition of property where title is clouded due to the inability to identify or locate all owners of the property or in such situations and where unanimous consent is received from each person with a legal claim that has been identified and found; or
 - (v) The remedy of blight.
- (B) The public benefit of economic development shall not constitute a public use.
- (10) 'Public utility' means any publicly, privately, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil products, water, steam, clay, waste, storm water not connected with highway drainage, and other similar services and commodities,

including publicly owned fire and police and traffic signals and street lighting systems, which directly or indirectly serve the public. This term also means a person, municipal corporation, county, state agency, or public authority which owns or manages a utility as defined in this paragraph. This term shall also include common carriers and railroads."

SECTION 10.

Said title is further amended by striking Code Section 22-1-2, relating to the nature of eminent domain, and inserting in its place a new Code section to read as follows:

"22-1-2.

(a) The right of eminent domain is the right of the state, through its regular organization, to reassert, either temporarily or permanently, its dominion over any portion of the soil of the state on account of public exigency and for the public good. Thus, in time of war or insurrection the proper authorities may possess and hold any part of the territory of the state for the common safety; and in time of peace the General Assembly may authorize the appropriation of the same to public purposes, such as the opening of roads, construction of defenses, or providing channels for trade or travel. Notwithstanding any other provisions of law, neither this state nor any political subdivision thereof nor any other condemning authority shall use eminent domain unless it is necessary for public use.

(b)(1) If property acquired through the power of eminent domain from an owner fails to be put to a stated public use within five years, the former property owner may apply to the condemnor or its successor or assign for reconveyance or quitclaim of the property to the former property owner or for additional compensation for such property. The application shall be in writing, and the condemnor or its successor or assign shall act on the application within 60 days by:

(A) Executing a reconveyance or quitclaim of the property upon receipt of compensation not to exceed the amount of the compensation paid by the condemnor at the time of acquisition; or

(B) Paying additional compensation to the former owner of the property, such compensation to be calculated by subtracting the price paid by the condemnor for the property at the time of acquisition from the fair market value of the property at the time the application is filed.

(2) If the condemnor fails to take either action within 60 days, the former property owner may initiate an action in the superior court in the county in which the property is located to reacquire the property or receive additional compensation.

(3) The condemnor shall provide notice to each former owner of the property prior to acquisition if the condemnor fails to put such property to a stated public use within five years.

(c) In the case that property is acquired from more than one owner for the same public use and reconveyance or additional compensation to a single owner is impracticable, any party to the original condemnation or each person with a legal claim in such

condemnation may file an action in the superior court in the county in which the property is located for an equitable resolution.

(d) This Code section shall not apply to condemnations subject to Code Section 22-3-162 or to condemnations conducted by the Department of Transportation."

SECTION 11.

Said title is further amended by inserting new Code sections to read as follows:

"22-1-9.

In order to encourage and expedite the acquisition of real property by agreements with owners, to avoid litigation and relieve congestion in the courts, to assure consistent treatment for property owners, and to promote public confidence in land acquisition practices, all condemnations and potential condemnations shall, to the greatest extent and practicable, be guided by the following policies and practices:

(1) The condemning authority shall make every reasonable effort to acquire expeditiously real property by negotiation;

(2) Where the condemning authority seeks to obtain a fee simple interest in real property, real property shall be appraised before the initiation of negotiations, and the owner or his or her designated representatives shall be given an opportunity to accompany the appraiser during his or her inspection of the property, except that the condemning authority may, by law, rule, regulation, or ordinance, prescribe a procedure to waive the appraisal in cases involving the acquisition by sale or donation of property with a low fair market value;

(3) Before the initiation of negotiations for fee simple interest for real property the condemning authority shall establish an amount which it believes to be just compensation and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the condemning authority's independent appraisal of the fair market value of such property. The condemning authority shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount he or she established as just compensation. Where appropriate, the just compensation for the real property acquired and for damages to remaining real property shall be separately stated. The condemning authority shall consider alternative sites suggested by the owner of the property as of the compensation offered;

(4) No owner shall be required to surrender possession of real property before the condemning authority pays the agreed purchase price or deposits with the court in accordance with this title, for the benefit of the owner, an amount not less than the condemning authority's appraisal of the fair market value of such property or the amount of the award of compensation in the condemnation proceeding for such property;

(5) The construction or development of a project for public use shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling or to move his or her business or farm

operation without at least 90 days' written notice from the condemning authority of the date by which such move is required;

(6) If the condemning authority permits an owner or tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the condemning authority on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier;

(7) In no event shall the condemning authority either advance the time of condemnation or defer negotiations or condemnation and the deposit of funds in court for the use of the owner or take any other bad faith action in order to compel an agreement on the price to be paid for the property;

(8) If any legal interest in real property is to be acquired by exercise of the power of eminent domain, the condemning authority shall institute formal condemnation proceedings. No condemnor shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his or her real property; and

(9) A person whose real property is being acquired in accordance with this title may, after the person has been fully informed of his or her right to receive just compensation for such property, donate such property, any part thereof, any legal interest therein, or any compensation paid to a condemning authority, as such person shall determine.

22-1-10.

Prior to exercising the power of eminent domain, a condemning authority shall:

(1) Not less than 15 days before any meeting at which a resolution approving the exercise of eminent domain is to be considered, post a sign, if possible, in the right of way adjacent to each property that is subject to the proposed use of the eminent domain power stating the time, date, and place of such meeting;

(2) Serve the condemnee personally by a sheriff or deputy with notice of the meeting not less than 15 days before any meeting at which such resolution is to be considered, unless service is acknowledged or waived by the condemnee. If after all efforts made to serve notice to the condemnee under this paragraph are unsuccessful, service of notice may be satisfied by mail or statutory overnight delivery to the property owner at the address of record and, if different from the property owner, to the parties in possession of the property, return receipt requested;

(3) Ensure that any notice that is required by law to be published be placed in a newspaper of general circulation, but such notice shall not be published in the legal notices section of such newspaper; and

(4) Ensure that any meeting at which such resolution is to be considered and voted on shall commence after 6:00 P.M.

Any such resolution shall specifically and conspicuously delineate each parcel to be affected.

22-1-11.

In any condemnation, the condemnee may object at any time to the condemnation by filing a petition for injunctive relief in the superior court in the county in which the property is located. The court presiding over the petition shall determine whether the exercise of the power of eminent domain is for a public use and whether the condemning authority has the legal authority to exercise the power of eminent domain. The condemning authority shall bear the burden of proof by the evidence presented that the condemnation is for a public use as defined in Code Section 22-1-1. In its discretion, the court may award reasonable attorney fees to a condemnee whose petition for injunctive relief pursuant to this Code section is granted.

22-1-12.

In all actions where a condemning authority exercises the power of eminent domain, the court having jurisdiction of a proceeding instituted by a condemnor to acquire real property by condemnation shall award the owner of any right or title to or interest in such real property such sum as will in the opinion of the court reimburse such owner for his or her reasonable costs and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the condemnation proceedings, if:

- (1) The final judgment is that the condemning authority cannot acquire the real property by condemnation; or
- (2) The proceeding is abandoned by the condemning authority.

22-1-13.

In addition to the types of relocation damages permissible under law, any condemnee that is displaced as a result of the condemnation shall be entitled to:

- (1) Actual reasonable expenses in moving himself or herself, his or her family, business, farm operation, or other personal property;
- (2) Actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation;
- (3) Compensation for actual direct pecuniary loss of goodwill as a result of relocating a business or farm operation; and
- (4) Such other relocation expenses as authorized by law.
- (5) With the consent of the landowner, the condemnor may provide alternative site property as full or partial compensation.

22-1-14.

(a) When property is condemned under this title or any other title of this Code, the value of the condemned property may be determined through lay or expert testimony and its admissibility shall be addressed to the sound discretion of the court.

(b) If any party to a condemnation proceeding seeks to introduce expert testimony as to the issue of just and adequate compensation, Code Section 24-9-67.1 shall not apply.

22-1-15.

(a) When an entity authorized to use the power of eminent domain determines that it intends to exercise such power to take private property, prior to taking any action regarding the property it shall provide the owner of the property with a written copy of the rights that the condemnee possesses including but not limited to the right to notice, damages, hearing, and appeal of any award entered by the special master as described in this title. Such notice shall be provided in person; by mailing such notice by certified mail, return receipt requested; or by statutory overnight delivery.

(b) The Department of Community Affairs shall promulgate written notice of rights forms that shall be used by all entities having the power of eminent domain in this state to advise the owner of property sought to be condemned of the entire eminent domain process and the rights of the property owner with regard to such process. The Department of Community Affairs shall promulgate different notice forms for each of the types of condemnation proceedings authorized by law."

SECTION 12.

Said title is further amended by repealing Code Section 22-2-84.1, relating to appeals to superior court from assessor's award, reasonable expenses, and liability of cost relating to issues of law.

SECTION 13.

Said title is further amended by striking Code Section 22-2-100, relating to the definition of "condemning body" and "condemnor," and inserting in its place a new Code section to read as follows:

"22-2-100.

As used in this article, 'condemning body' or 'condemnor' means:

- (1) The State of Georgia or any branch or any department, board, commission, agency, or authority of the executive branch of the government of the State of Georgia;
- (2) Any county or municipality of the State of Georgia;
- (3) Any housing authority with approval of the governing authority of the city or county as provided in Code Section 8-4-4;
- (4) Any other political subdivision of the State of Georgia which ~~is vested with~~ possesses the power of eminent domain; and
- (5) All public utilities that possess the right or power of eminent domain. ~~All other persons possessing the right or power of eminent domain."~~

SECTION 14.

Said title is further amended by striking Code Section 22-2-102, relating to filing a petition of condemnation and certain requirements and rights attached to said petition, and inserting in its place a new Code section to read as follows:

"22-2-102.

(a) In addition to the requirements set forth in Chapter 1 of this title, whenever ~~Whenever~~ it is desirable, for any reason, to arrive at a quick and certain determination of the compensation to be paid first to the condemnee for the taking or damaging of private property, the condemnor shall:

(1) File ~~file~~ a petition in a superior court having jurisdiction for a judgment in rem against the property or interest therein, as provided in Code Section 22-2-130-; and

(2) At or before the filing of the petition, the condemnor shall present a copy of the petition to a judge of the superior court of the county wherein the property or interest sought to be condemned is located. Thereupon, the judge shall have a hearing in court, in chambers, or by telephone with the parties not less than ten days nor more than 30 days from the filing of the petition to appoint a special master. After such hearing, the judge shall make an order requiring the condemnor, the person in possession of the property or interest, and any other person known to have any rights in the property each person with a legal claim or interest to appear at a hearing before a special master at a time and place specified in the order and to make known their rights, if any, in and to the property or interest sought to be condemned, their claims as to the value of the property or interest, and any other matters material to their respective rights. Except in condemnations for purposes of constructing or expanding one or more electric transmission lines, the

In the event the property to be condemned lies in multiple jurisdictions, the condemnee shall have the option pursuant to Code Section 9-10-31.1 to transfer the action to any other venue with in rem jurisdiction.

(b) The hearing before the special master shall take place not less than ten 30 days nor more than 15 60 days after the date of service the entry of the order appointing the special master. In condemnations for purposes of constructing or expanding one or more electric transmission lines, the hearing before the special master shall take place not less than 30 days and not more than 40 days after the date of service of the order.

(c) The order shall give such directions for notice and the service thereof as are appropriate and as are consistent with this article, in such manner as to provide most effectively an opportunity to all parties at interest to be heard. In condemnations for purposes of constructing or expanding one or more electric transmission lines, in addition to service of the order, a copy of the order shall be mailed by certified mail or sent by statutory overnight delivery to any person shown by the public ad valorem tax records of the county in which the property is located to have an interest in the property and to any other person having open and obvious possession of the property. It shall not be necessary to attach any other process to the petition except the order so made, and the cause shall proceed as in rem."

SECTION 15.

Said title is further amended by striking Code Section 22-2-102.1, relating to petitioning superior court for judgment in rem in cases of eminent domain, and inserting in its place a new Code section to read as follows:

"22-2-102.1.

In addition to the requirements set forth in Chapter 1 of this title, whenever ~~Whenever~~ it shall be necessary for such condemning body to take or damage private property, or any interest or easement therein, in pursuance of any law so authorizing, for any public ~~purpose~~ use, and where, by reason of the necessities of the public needs, of which the condemning body shall be the exclusive judge, and it shall be desirable for these reasons to have a quick and effective adjudication of the just and adequate compensation to be paid the owner or owners of such property before taking the same, and it shall be desirable to have a judicial ascertainment and judicial supervision of all questions and proceedings connected with the matter, such condemning body may, through any authorized representative, petition the superior court of the county having jurisdiction, for a judgment in rem against said property, or any easement or other interest in said property, condemning the same in fee simple to the use of the petitioner upon payment of just and adequate compensation therefor."

SECTION 16.

Said title is further amended by striking Code Section 22-2-102.2, relating to contents of petition to superior court for judgment in rem in cases of eminent domain, and inserting in its place a new Code section to read as follows:

"22-2-102.2.

The petition referred to in Code Section 22-2-102.1 shall set forth:

- (1) The facts showing the right to condemn;
- (2) The property or interest to be taken or damaged;
- (3) The names and residences of the persons whose property or interests are to be taken or otherwise affected, so far as known;
- (4) A description of any unknown persons or classes of unknown persons whose rights in the property or interest are to be affected; ~~and~~
- (5) A statement setting forth the necessity to condemn the private property and describing the public use for which the condemnor seeks the property; and
- ~~(5)(6)~~ Such other facts as are necessary for a full understanding of the cause."

SECTION 17.

Said title is further amended by striking Code Section 22-2-106, relating to compensation for special masters, and inserting in its place a new Code section to read as follows:

"22-2-106.

- (a) The compensation of the special master shall be provided for by a proper order of the judge of the superior court; shall be included in and made a part of the judgment of the court condemning the property or any interest therein sought to be taken, such judgment to be based on the award of the special master; and shall be paid by the condemning body; ~~and shall not be less than 50.00 per day nor more than \$250.00 per day for the time actually devoted to the hearing and consideration of the matter by the special master.~~ Such compensation shall be left to the discretion of the court and shall not exceed a reasonable hourly rate consistent with local standards unless otherwise

agreed upon by the parties with consent of the court. The compensation of the special master shall be assessed as court costs and shall be paid prior to the filing of any appeal from the judgment of the court; provided, however, that if such compensation has not been determined and assessed at the time of filing any such appeal, the same shall be paid within 30 days from the date of assessment.

(b) The judge may allow the special master a reasonable period of time for personal inspection of the premises and may compensate the special master for his or her time spent inspecting the premises and for any actual expenses incurred by ~~him~~ the special master in connection with the inspection, provided that the special master shall file an affidavit with the court showing his or her time spent in inspection and itemizing ~~his~~ or her expenses."

SECTION 18.

Said title is further amended by striking Code Section 22-2-110, relating to the award of the special master in a condemnation hearing and the form used therein, and inserting in its place a new Code section to read as follows:

"22-2-110.

(a) The award of the special master or the special master panel, in the event such a panel exists, shall be served upon all the parties and filed with the clerk of the superior court of the county where the property or interest is situated within three days after the date on which such hearing is completed.

(b) The award shall become a part of the record of the proceedings in said matter and shall condemn and vest title to the property or other interest in the condemning body upon the deposit by that body of the amount of the award into the registry of the court, subject to the demand of such condemnee or condemnees, according to their respective interests.

(c) The award shall be in the following form:

AWARD

The special master appointed and chosen by the court to hear evidence and give full consideration to all matters touching upon the value of the property or interest sought to be condemned, as shown by the description of the property or interest in the case of _____ (condemning body) versus _____ (acres of land or other described interest in said land) and _____ (condemnee), Civil action file no. _____ in superior court, having first taken the oath as required by law of the special master, the same having been filed with the clerk of the Superior Court of _____ County, and the special master panel, in the event such a panel exists, having heard evidence under oath and given consideration to the value of such property or interest on the _____ day of _____, at ____:____.M., as provided for in the order of the court, do decide and recommend to the court as follows:

- (1) I/We find and award to _____, condemnee, the sum of \$ _____, as the actual market value of the property or interest sought to be condemned;
- (2) I/We find consequential damages to the remaining property or interest in the amount of \$ _____;
- (3) I/We find consequential benefits to the remaining property or interest in the amount of \$ _____ (never to exceed the amount of the consequential damages);
- (4) I/We find and award to _____, condemnee, the sum of \$ _____, as the value of any associated moving costs;
- ~~(4)~~(5) Balancing the consequential benefits against the consequential damages, I/we find and award to the condemnee in this case in the total sum of \$ _____, and I/we respectfully recommend to the court that the said property or interest be condemned by a judgment in rem to the use of the condemnor upon the payment of the last stated sum into the registry of the court, subject to the demands of the condemnee.

This _____ day of _____, ____.

Special Master

Assessor

Assessor

- (d) In any case where there is an appeal from the award of the special master or the special master panel, in the event such a panel exists, to a jury in the superior court, such award shall not be competent evidence. Any such appeal shall be a de novo investigation, and such award shall be detached from the papers in the case before the same are delivered to the jury."

SECTION 19.

Said title is further amended by striking Code Section 22-2-112, relating to the right of appealing the award of the special master in condemnation proceedings, and inserting in its place a new Code section to read as follows:

"22-2-112.

- (a) If the condemnor or any condemnee is dissatisfied with the amount of the award, an appeal shall be filed in the superior court and such appeal shall be filed within ten days from the service of the award. ~~In case any party is dissatisfied with the amount of the award, he or she may, within ten days after the award is filed, enter in writing an appeal from the award to the superior court of the county where the award is filed. The provisions of Code Section 22-2-84.1, relating to reasonable expenses incurred on appeal, shall apply to any appeal under this Code section.~~ At the term succeeding the filing of the appeal, it shall be the duty of the judge to cause an issue to be made and tried by a jury as to the value of the property or interest taken or the amount of damage done, with the same right to move for a new trial and file an appeal as in other cases at

law. The entering of an appeal and the proceedings thereon shall not hinder or delay in any way the condemnor's work or the progress thereof.

(b) The condemnee shall have the right to a jury trial on the issue of just and adequate compensation before the superior court having jurisdiction over the property sought to be condemned during the next term of court following the vesting of title in the condemnor. This right may be waived by the condemnee."

SECTION 20.

Said title is further amended by striking Code Section 22-2-131, relating to contents in a petition to the superior court for a judgment in rem, and inserting in its place a new Code section to read as follows:

"22-2-131.

(a) The petition referred to in Code Section 22-2-130 shall set forth:

(1) The facts showing the right to condemn;

(2) The property or interest to be taken or damaged;

(3) The names and residences of the persons whose property or interests are to be taken or otherwise affected, so far as known;

(4) A description of any unknown persons or classes of unknown persons whose rights in the property or interest are to be affected;

(5) Such other facts as are necessary for a full understanding of the cause; ~~and~~

(6) A statement setting forth the necessity to condemn the private property and describing the public use for which the condemnor seeks the property; and

~~(6)(7)~~ A prayer for such judgment of condemnation as may be proper and desired.

(b) If any of the persons referred to in this Code section are minors or under disability, the fact shall be stated."

SECTION 21.

Said title is further amended by striking Code Section 22-2-132, relating to requirements of notice and service upon presenting a petition for a judgment in rem, and inserting in its place a new Code section to read as follows:

"22-2-132.

(a) Upon presentation of the petition, the presiding judge ~~may~~ shall issue an order requiring the condemnor, the owner of the property or of any interest therein, and the representative of any owner to appear at a time and place named in the order and make known their objections if any, rights, or claims as to the value of the property or of their interest therein, and any other matters material to their respective rights; provided, however, that if the petition includes affidavits from known and located persons with a legal claim, stating that such condemnees do not oppose the condemnation, no hearing pursuant to this Code section shall be required.

(b) The day named in the order shall be as early as may be convenient but shall be no less than 20 days from the date of the petition, due regard being given to the necessities of notice.

(c) The order shall give appropriate directions for notice and the service thereof.

(d) It shall not be necessary to attach any other process to the petition except the order referred to in subsection (a) of this Code section, and the cause shall proceed as in rem."

SECTION 22.

Said title is further amended by striking Code Section 22-3-60, relating to persons constructing and operating waterworks authorized to lease, purchase, or condemn property or interests, and inserting in its place a new Code section to read as follows:

"22-3-60.

Any nongovernmental entity constructing, owning, or operating any waterworks or sanitary sewerage system, or both, in this state shall have the right, power, privilege, and authority to lease, purchase, or condemn property or any interest therein, including easements, or to receive donations or grants of property or any interest therein, including easements, for the purpose of constructing and operating a waterworks, a water distribution system, a sewerage collection system, or a sewage treatment and disposal system, or any combination of such systems or facilities; provided, however, that prior to condemning property in any political subdivision, any such entity shall first obtain the consent of the governing authority of such political subdivision, ~~which consent may after the requirements of Chapter 1 of this title have been satisfied.~~ Consent shall be granted by resolution or ordinance."

SECTION 23.

Said title is further amended by striking Code Section 22-4-3, relating to the applicability of Code Section 22-1-1, and inserting in its place a new Code section to read as follows:

"22-4-3.

The definitions contained in paragraphs ~~(1) and (3)~~ (6) and (8) of Code Section 22-1-1 shall not apply to this chapter."

SECTION 24.

Title 23 of the Official Code of Georgia Annotated, relating to equity, is amended by adding a new Code section to read as follows:

"23-3-73.

All municipalities, counties, and housing authorities shall have standing pursuant to this article."

SECTION 25.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by striking subsection (b) of Code Section 36-42-8, relating to the powers of downtown development authorities generally, and inserting a new subsection (b) to read as follows:

"(b) The powers enumerated in each paragraph of subsection (a) of this Code section are cumulative of and in addition to those powers enumerated in the other paragraphs of subsection (a) of this Code section and elsewhere in this chapter; and no such power

limits or restricts any other power of the authority except that, notwithstanding any other provision of this chapter, no authority described in this chapter shall be granted the power of eminent domain."

SECTION 26.

Said title is further amended by repealing Code Section 36-42-8.1, relating to the use of the power of eminent domain by a municipality or downtown development authority.

SECTION 27.

Said title is further amended by repealing subsection (c) of Code Section 36-44-6, relating to a redevelopment agency's ability to delegate the power of eminent domain, which reads as follows:

"(c) A downtown development authority which has been designated as a redevelopment agency pursuant to this chapter may exercise the powers of eminent domain subject to the procedures established in Chapter 42 of this title."

SECTION 28.

Said title is further amended by adding a new subsection to the end of Code Section 36-44-7, relating to redevelopment plan proposals by a redevelopment agency, to read as follows:

"(e) If any subsection of this Code section is in conflict with Title 22, the provisions of Title 22 shall control."

SECTION 29.

Said title is further amended by adding a new paragraph (2.1) and by striking paragraph (19) of Code Section 36-61-2, relating to definitions regarding urban development, and inserting in its place a new paragraph to read as follows:

"(2.1) 'Blighted property,' 'blighted,' or 'blight' means any urbanized or developed property which:

(A) Presents two or more of the following conditions:

(i) Uninhabitable, unsafe, or abandoned structures;

(ii) Inadequate provisions for ventilation, light, air, or sanitation;

(iii) An imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe respecting which the Governor has declared a state of emergency under state law or has certified the need for disaster assistance under federal law; provided, however, that no property owner who has taken positive steps within one year of the natural catastrophe to protect his or her property in such circumstances shall be subject to condemnation;

(iv) A site identified by the federal Environmental Protection Agency as a Superfund site pursuant to 42 U.S.C. Section 9601, et seq., or environmental contamination to an extent that requires remedial investigation or a feasibility study;

(v) Repeated illegal use of individual properties; or

- (vi) The maintenance of the property is below state, county, or municipal codes for at least one year after notice of the code violation; and
(B) Is conducive to ill health, transmission of disease, infant mortality, or crime in the immediate proximity of the property.

Such conditions shall be shown by studies, including but not limited to, government maintained statistics. Property shall not be deemed blighted solely because of esthetic conditions."

"(19) 'Slum clearance and redevelopment' may include:

- (A) Acquisition by purchase or gift of a slum area or portion thereof;
- (B) Rehabilitation or demolition and removal of buildings and improvements;
- (C) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban redevelopment provisions of this chapter in accordance with the urban redevelopment plan; and
- (D) Making the land available for development or redevelopment by private enterprise or public agencies (including sale, initial leasing, or retention by the municipality or county itself) at its fair value for uses in accordance with the urban redevelopment plan."

SECTION 30.

Said title is further amended by striking subsection (c) of Code Section 36-61-7, relating to the preparation of a redevelopment plan, and inserting new subsection (c) to read as follows:

"(c) The local governing body of the municipality or county shall hold ~~or shall cause some agency of the municipality or county to hold~~ a public hearing on an urban redevelopment plan or a substantial modification of an approved urban redevelopment plan, after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the municipality or county. The notice shall describe the time, date, place, and purpose of the hearing, shall generally identify the urban redevelopment area covered by the plan, and shall outline the general scope of the urban redevelopment project under consideration."

SECTION 31.

Said title is further amended by striking Code Section 36-61-9, relating to the use of the power of eminent domain in urban redevelopment, and inserting in its place a new Code section to read as follows:

"36-61-9.

(a) Except as otherwise provided in subsection (c) of this Code section, a municipality or county shall have the right to acquire, by exercise of the power of eminent domain, any real property which ~~it~~ the governing authority may deem necessary for ~~its purposes under this chapter~~ the remedy of blight, after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. A municipality or county may exercise the power of eminent domain in the manner

provided in Title 22; ~~or it may exercise the power of eminent domain in the manner provided by any other applicable statutory provisions for the exercise of the power of eminent domain and in the manner set forth in this chapter.~~ Property already devoted to a public use may be acquired, provided that no real property belonging to the municipality, the county, the state, or any political subdivision thereof may be acquired without its consent.

(b) Whenever condemnation proceedings are instituted and carried on by a municipality or county in accordance with subsection (a) of this Code section ~~or through any other method of condemnation provided by law~~, upon the payment by the municipality or county seeking condemnation of the amount of the award and final judgment on appeal the municipality or county shall become vested with a fee simple indefeasible title to the property to which the condemnation proceedings relate. Such payment may be offset in whole or in part by the amount of any municipal or county tax liens on the condemned property and by any existing special assessments tax liens on the condemned property, including without limitation education or special district taxes collected by the municipality or county; provided, however, that any such setoff shall be subject to any existing tax liens having higher priority pursuant to Code Section 48-2-56 and to the interest in the condemned property of any known beneficiary of a year's support pursuant to Code Section 53-5-2 of the 'Pre-1998 Probate Code,' if applicable, or Code Sections 53-3-1, 53-3-2, 53-3-4, 53-3-5, and 53-3-7 of the 'Revised Probate Code of 1998'; provided, further, that where the condemned property is subject to a valid deed to secure debt, such setoff shall only be allowed for tax liens which arose as a result of an assessment against such property. It is declared to be necessary, to enable such municipalities and counties to exercise their powers under this Code section, that upon the condemnation proceedings being had, the municipalities and counties shall become vested with fee simple indefeasible title to the property involved in the proceedings.

(c) ~~Unless the property is to be acquired for the purpose of devoting it to a public use, a~~ A municipality or county may not acquire real property through the exercise of the power of eminent domain pursuant to subsection (a) of this Code section until the following conditions and requirements have been met:

(1) The municipality or county which adopted the urban redevelopment plan has approved a resolution authorizing the exercise of the power of eminent domain by the agency to acquire the property. Prior to approving such a resolution, the governing body of the municipality or county shall:

(A) Not less than 15 days before any meeting at which such resolution is to be considered post a sign, if possible, in the right of way adjacent to each property that is subject to the proposed use of the eminent domain power stating the time, date, and place of such meeting;

(B) Serve the condemnee personally by a sheriff or deputy with notice of the meeting not less than 15 days before any meeting at which such resolution is to be considered, unless service is acknowledged or waived by the condemnee. If after all efforts made to serve notice to the condemnee under this subparagraph are

unsuccessful, service of notice may be satisfied by mail or statutory overnight delivery to the property owner at the address of record and, if different from the property owner, to the parties in possession of the property, return receipt requested;
(C) Ensure that any notice that is required by law to be published be placed in a newspaper of general circulation, but such notice shall not be published in the legal notices section of such newspaper; and
(D) Ensure that any meeting at which such resolution is to be considered and voted on shall commence after 6:00 P.M.

Any such resolution shall specifically and conspicuously delineate each parcel to be affected;

(2) The municipality or county shall, in writing, notify the owner of the real property proposed to be acquired of the planned rehabilitation of the property as set forth in the urban redevelopment plan for the urban redevelopment area wherein the property is located;

(3) Within ~~30~~ 60 days after being so notified, the owner of the property shall have the option of notifying the municipality or county, in writing, of his or her willingness and intention to rehabilitate and maintain the property in accordance with the urban redevelopment plan. In the event of multiple ownership of the property, unanimous agreement by the owners shall be required; and the failure of any one owner to notify the municipality or county, within the time limitation specified in this paragraph, of his or her willingness and intention to rehabilitate and maintain the property in accordance with the urban redevelopment plan shall be deemed to be a failure to exercise the option provided in this paragraph; and

(4) The owner of the property may execute an agreement with the municipality or county to rehabilitate the property in accordance with the urban redevelopment plan. Any such agreement shall be as the municipality or county deems necessary and appropriate as to form and content; in connection therewith, the municipality or county shall have the right to require sufficient performance, payment, and completion bonds. In the event that any such owner, at any time, fails to comply with or defaults in the performance of the provisions of the agreement, such property shall no longer be subject to the agreement, the option provided by paragraph (3) of this subsection shall no longer apply, and the property may be acquired by the municipality or county by purchase or through the exercise of the power of eminent domain. In the alternative, the municipality or county may either specifically enforce the agreement, exercise any rights under any bonds which may have been required, and obtain any other legal or equitable relief as may be available to the municipality or county or, if the owner fails to exercise the option to rehabilitate the property or defaults on the agreement to rehabilitate the property, the municipality or county may implement those portions of the urban development plan with respect to such property to the extent the municipality or county deems necessary and the costs of implementing such plan shall be a lien against the property enforceable in the same manner as tax liens.

(d) Compliance with this Code section shall be in addition to and not in place of the requirements imposed by Title 22; provided, however, the requirements set forth in this Code section shall satisfy the requirements provided in Code Section 22-1-10."

SECTION 32.

Said title is further amended by designating the existing text of Code Section 36-62-6, relating to the general powers of a development authority, as subsection (a) and by adding a new subsection, to be designated subsection (b), to read as follows:

"(b) This Code section shall not be construed as authorizing an authority as defined in this chapter to exercise the power of eminent domain."

SECTION 33.

Said title is further amended by striking paragraph (1) of subsection (a) of Code Section 36-82-62, relating to power as to undertakings and issuance of revenue bonds by government bodies, and inserting in its place a new paragraph (1) to read as follows:

"(1) To acquire, by gift, purchase, or the exercise of the right of eminent domain, and to construct, to reconstruct, to improve, to better, and to extend any undertaking wholly within or wholly outside the governmental body or partially within and partially outside the governmental body; and to acquire, by gift, purchase, or the exercise of the right of eminent domain, lands, easements, rights in lands, and water rights in connection therewith. For property located within a city, the exercise of eminent domain shall be approved by resolution by the governing authority of the city. For property located in an unincorporated area of a county, the exercise of eminent domain shall be approved by resolution by the governing authority of the county. Any such resolution shall specifically and conspicuously delineate each parcel to be affected. A government authority acting under this Code section shall notify the property owner pursuant to Code Section 36-82-86 and comply with such other requirements of that Code section;".

SECTION 34.

Said title is further amended by inserting a new Code section to read as follows:

"36-82-86.

Any governing authority acting under Code Section 36-82-62 shall, prior to approving a resolution for the exercise of eminent domain:

- (1) Not less than 15 days before any meeting at which a resolution approving the exercise of eminent domain is to be considered, post a sign, if possible, in the right of way adjacent to each property that is subject to the proposed use of the eminent domain power stating the time, date, and place of such meeting;
- (2) Shall serve the condemnee personally by a sheriff or deputy with notice of the meeting not less than 15 days before any meeting at which such resolution is to be considered, unless service is acknowledged or waived by the condemnee. If after all efforts made to serve notice to the condemnee under this paragraph are unsuccessful, service of notice may be satisfied by mail or statutory overnight delivery to the

property owner at the address of record and, if different from the property owner, to the parties in possession of the property, return receipt requested;

(3) Ensure that any notice that is required by law to be published be placed in a newspaper of general circulation, but such notice shall not be published in the legal notices section of such newspaper; and

(4) Ensure that any meeting at which such resolution is to be considered and voted on shall commence after 6:00 P.M.

Any such resolution shall specifically and conspicuously delineate each parcel to be affected."

SECTION 35.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. Sections 6, 9, 12, 18, 19, and 29 and Code Sections 22-1-11, 22-1-12, 22-1-13, and 22-1-14 as enacted by Section 11 of this Act shall apply to causes of action pending on the effective date of this Act.

SECTION 36.

All laws and parts of laws in conflict with this Act are repealed.

Representative Golick of the 34th moved that the House disagree to the Senate substitute to HB 1313.

The motion prevailed.

HB 692. By Representatives Black of the 174th, Hatfield of the 177th, Greene of the 149th, Sims of the 169th, Shaw of the 176th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to the state-wide probation system, so as to change certain provisions relating to terms and conditions of probation; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate moves to amend HB 692 by striking all matter on line 3 on page 1 and inserting in place thereof the following:

terms and conditions of probation; to change the repeal date of the "Probation Management Act of 2004"; to provide an effective date; to provide for applicability;

By adding a new section between lines 17 and 18 on page 2 to read as follows:

SECTION 2.

Article 9 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to probation management, is amended by striking Code Section 42-8-160, relating to the repealer, and inserting in lieu thereof the following:

"42-8-160.

This article shall be repealed in its entirety on ~~July 1, 2006~~ June 30, 2008."

By striking all matter on lines 18 through 21 on page 2 and inserting in place thereof the following:

SECTION 3.

(a) Section 1 of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall apply to terms and conditions of probation imposed on or after such date.

(b) Section 2 of this Act shall become effective on June 15, 2006.

By striking "3" on line 22 on page 2 and inserting "4" in place thereof.

Representative Black of the 174th moved that the House agree to the Senate amendment to HB 692.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Setzler
Barnes	Y Dickson	Y Howard, E	Y Meadows	Shaw
Y Bearden	Dodson	Y Hudson	Millar	Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Morgan	Y Sinkfield
Y Black	Y Ehrhart	James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Jamieson	Y Mosby	Y Smith, L
E Borders	E Epps	Y Jenkins	E Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	E Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M

Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	E Lane, R	Y Ralston	Y Walker
Y Casas	E Greene	Y Lewis	Randall	Y Warren
Chambers	Hanner	Y Lindsey	Y Ray	Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Reece, S	Willard
E Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Lunsford	Y Rice	Y Williams, E
Y Coleman, B	E Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Cooper	Y Henson	Y Manning	Y Royal	Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the motion, the ayes were 145, nays 0.

The motion prevailed.

The following Bill of the House was taken up for the purpose of considering the Senate's insistence on its position in substituting the same:

HB 1257. By Representatives Knox of the 24th, Maxwell of the 17th, Meadows of the 5th and Watson of the 91st:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to exempt certain change of address filings by agents, subagents, counselors, and adjusters from a fee; to provide for certain qualifications for a counselor's license; to provide for the maintenance by the Commissioner of Insurance of the address of the place of business of agents, subagents, counselors, and adjusters; to provide for related matters; to repeal conflicting laws; and for other purposes.

Representative Knox of the 24th moved that the House insist on its position in disagreeing to the Senate substitute to HB 1257 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Knox of the 24th, Golick of the 34th, and Watson of the 91st.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate insists on its substitute to the following bill of the House:

HB 1059. By Representatives Keen of the 179th, Ralston of the 7th, Burkhalter of the 50th, Freeman of the 140th, Thomas of the 55th and others:

A BILL to be entitled an Act to amend Titles 16, 17, 35, and 42 of the O.C.G.A., relating respectively to crimes and offenses, criminal procedure, law enforcement officers and agencies, and penal institutions, so as to change provisions relating to sexual offenders; to change punishment provisions, registration requirements, and areas where certain offenders can reside as it affects sexual offenders; to change certain provisions relating to punishment of serious violent offenders and increase the mandatory minimum term of imprisonment for certain offenses; to require persons convicted of certain sexual crimes to receive a mandatory split sentence including a minimum sentence of imprisonment; to reorganize and change provisions related to the State Sexual Offender Registry; to provide for other related matters; to repeal conflicting laws; and for other purposes.

The Senate adheres to its substitute and has appointed a Committee of Conference on the following bill of the House:

HB 1257. By Representatives Knox of the 24th, Maxwell of the 17th, Meadows of the 5th and Watson of the 91st:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to exempt certain change of address filings by agents, subagents, counselors, and adjusters from a fee; to provide for certain qualifications for a counselor's license; to provide for the maintenance by the Commissioner of Insurance of the address of the place of business of agents, subagents, counselors, and adjusters; to provide for related matters; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Shafer of the 48th, Hudgens of the 47th, and Cagle of the 49th.

The following Bill of the House was taken up for the purpose of considering the Senate's insistence on its position in substituting the same:

HB 1059. By Representatives Keen of the 179th, Ralston of the 7th, Burkhalter of the 50th, Freeman of the 140th, Thomas of the 55th and others:

A BILL to be entitled an Act to amend Titles 16, 17, 35, and 42 of the O.C.G.A., relating respectively to crimes and offenses, criminal procedure, law enforcement officers and agencies, and penal institutions, so as to change provisions relating to sexual offenders; to change punishment provisions, registration requirements, and areas where certain offenders can reside as it affects sexual offenders; to change certain provisions relating to punishment of serious violent offenders and increase the mandatory minimum term of imprisonment for certain offenses; to require persons convicted of certain sexual crimes to receive a mandatory split sentence including a minimum sentence of imprisonment; to reorganize and change provisions related to the State Sexual Offender Registry; to provide for other related matters; to repeal conflicting laws; and for other purposes.

Representative Keen of the 179th moved that the House insist on its position in disagreeing to the Senate substitute to HB 1059 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Keen of the 179th, Ralston of the 7th, and Bearden of the 68th.

The following Bill of the Senate was taken up for the purpose of considering the Senate's disagreeing to the House substitute thereto:

SB 529. By Senators Rogers of the 21st, Hamrick of the 30th, Douglas of the 17th, Schaefer of the 50th, Seabaugh of the 28th and others:

A BILL to be entitled an Act to amend Title 13 of the O.C.G.A., relating to contracts, Title 16 of the O.C.G.A., relating to crimes and offenses, Title 34 of the O.C.G.A., relating to labor, Title 35 of the O.C.G.A., relating to law enforcement, and Title 50 of the O.C.G.A., relating to state government, so as to provide for the comprehensive regulation of persons in this state who are not lawfully present in the United States; to provide for a short title; to provide for statutory construction; to provide for procedures and requirements applicable to certain contracts or subcontracts; to prohibit certain retaliation; to provide for enforcement, penalties, and exceptions; to

provide for offenses regarding involuntary servitude, trafficking of persons for forced labor or services, and sexual servitude of a minor; to provide for related matters; to provide for effective dates; to provide for applicability; to repeal conflicting laws; and for other purposes.

Representative Lunsford of the 110th moved that the House insist on its position in substituting SB 529.

The motion prevailed.

The following Bill of the House was taken up for the purpose of considering the Senate substitute thereto:

HB 194. By Representatives Martin of the 47th, Burkhalter of the 50th, Amerson of the 9th, Royal of the 171st, Ashe of the 56th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of income tax, so as to provide for income tax credits with respect to teleworking for a limited period of time; to provide for definitions; to provide for conditions, limitations, and exclusions; to provide for powers, duties, and authority of the state revenue commissioner with respect to the foregoing; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL

To amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of income tax, so as to provide for income tax credits with respect to teleworking for a limited period of time; to provide for definitions; to provide for conditions, limitations, and exclusions; to provide for powers, duties, and authority of the state revenue commissioner with respect to the foregoing; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of income tax, is amended by adding a new Code

section immediately following Code Section 48-7-29.9, to be designated Code Section 48-7-29.10, to read as follows:

"48-7-29.10.

(a) As used in this Code section, the term:

(1) 'Eligible telework expenses' means expenses incurred during the taxable year pursuant to a telework agreement, up to a limit of \$1,200.00 for each participating employee, to enable a participating employee to begin to telework, which expenses are not otherwise the subject of an exclusion from income claimed by the taxpayer. Such expenses shall include, but not be limited to, expenses paid or incurred to purchase computers, computer related hardware and software, modems, data processing equipment, telecommunications equipment, high-speed Internet connectivity equipment, computer security software and devices, and all related delivery, installation, and maintenance fees. Such expenses shall not include replacement costs for computers, computer related hardware and software, modems, data processing equipment, telecommunications equipment, or computer security software and devices at the principal place of business when that equipment is relocated to the telework site. Such expenses may be incurred only once per employee. Such expenses may be incurred directly by the employer on behalf of the participating employee or directly by the participating employee.

(2) 'Employer' means any employer upon whom an income tax is imposed by this article.

(3) 'Participating employee' means an employee who has entered into a telework agreement with his or her employer. This term shall not include an individual who is self-employed or an individual who ordinarily spends a majority of his or her workday at a location other than the employer's principal place of business.

(4) 'Telework' means to perform normal and regular work functions on a workday that ordinarily would be performed at the employer's principal place of business at a different location, thereby eliminating or substantially reducing the physical commute to and from that employer's principal place of business. This term shall not include home based businesses, extensions of the workday, or work performed on a weekend or holiday.

(5) 'Telework agreement' means an agreement signed by the employer and the participating employee that defines the terms of a telework arrangement, including the number of days per year the participating employee will telework and any restrictions on the place from which the participating employee will telework.

(6) 'Telework assessment' means an optional assessment leading to the development of policies and procedures necessary to implement a formal telework program, including but not limited to a workforce profile, a telework program business case and plan, a detailed accounting of the purpose, goals, and operating procedures of the telework program, methodologies for measuring telework program activities and success, and a deployment schedule for increasing telework activity.

(b) For taxable years beginning on or after January 1, 2007, and ending for taxable years beginning prior to January 1, 2009, an employer shall be allowed a state income

tax credit against the tax imposed by this chapter for a percentage of eligible telework expenses incurred in the tax year. The amount of such credit shall be calculated as follows:

(1) The credit shall be equal to 100 percent of the eligible telework expenses incurred pursuant to a telework agreement requiring the participating employee to telework at least 12 days per month if the employer's principal place of business is located in an area designated by the United States Environmental Protection Agency as a nonattainment area under the federal Clear Air Act, 42 U.S.C. Section 7401 et seq.;

(2) The credit shall be equal to 75 percent of the eligible telework expenses incurred pursuant to a telework agreement requiring the participating employee to telework at least 12 days per month; or

(3) The credit shall be equal to 25 percent of the eligible telework expenses incurred pursuant to a telework agreement requiring the participating employee to telework at least five days per month.

(c)(1) In addition to the credit provided by subsection (b) of this Code section, an employer conducting a telework assessment shall be allowed a credit in the year of implementation of the employer's formal telework program against the tax imposed by this article for 100 percent of the cost, up to a maximum credit of \$20,000.00 per employer, of preparing the assessment. The credit provided by this subsection is intended to include program planning expenses, including direct program development and training costs, raw labor costs, and professional consulting fees; the credit shall not include expenses for which a credit is claimed under any other provision of this article. This credit shall be allowed only once per employer.

(2) All telework assessments eligible for a state income tax credit under this subsection shall meet standards for eligibility promulgated by the commissioner.

(d) In no event shall the total amount of any tax credit under this Code section for a taxable year exceed the employer's income tax liability. No unused tax credit shall be allowed to be carried forward to apply to the employer's succeeding years' tax liability. No such tax credit shall be allowed the employer against prior years' tax liability.

(e)(1) On or before October 1 of each year, an employer may submit an application to the commissioner for approval of the tax credit for a taxable year that begins in the next calendar year. Such applications must certify that the employer would not have incurred the eligible telework expenses mentioned therein but for the availability of the tax credit. The commissioner shall review such application and, subject to the limitations provided for in paragraph (2) of this subsection, shall approve such application upon determining that it meets the requirements of this Code section.

(2) In no event shall the total amount of tax credits approved by the commissioner under this Code section in a taxable year exceed:

(A) \$2,000,000.00 in 2007; and

(B) \$2,000,000.00 in 2008.

(f) On or before January 1, 2009, the commissioner shall conduct an assessment of telework programs conducted under this Code section and shall report to the General Assembly any finding regarding performance measures developed by the

commissioner, problems encountered, and recommendations for further implementation of this Code section or amending this Code section.

(g) The commissioner shall promulgate any rules and regulations necessary to implement and administer this Code section."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

Representative Martin of the 47th moved that the House disagree to the Senate substitute to HB 194.

The motion prevailed.

The following Bill of the House was taken up for the purpose of considering the report of the Committee of Conference thereon:

HB 81. By Representatives Day of the 163rd, Stephens of the 164th, Bryant of the 160th, Jackson of the 161st and Scott of the 2nd:

A BILL to be entitled an Act to amend Code Section 48-5-40 of the Official Code of Georgia Annotated, relating to definitions regarding ad valorem tax exemptions, so as to provide that, with respect to all homestead exemptions, the unremarried surviving spouse of a deceased spouse who has been granted a homestead exemption shall continue to receive that exemption so long as that unremarried surviving spouse continues to occupy the home as a residence and homestead; to provide for a referendum, applicability, and effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

The following report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON HB 81

The Committee of Conference on HB 81 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to HB 81 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ Kasim Reed
Senator, 35th District

/s/ Ronnie Chance
Senator, 16th District

/s/ Eric Johnson
Senator, 1st District

FOR THE HOUSE
OF REPRESENTATIVES:

/s/ Burke Day
Representative, 163rd District

/s/ Stephens
Representative, 164th District

/s/ Jerry Keen
Representative, 179th District

A BILL

To amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to tax exemptions, so as to change certain provisions regarding ad valorem tax exemptions; to change certain definitions; to provide a homestead exemption for the full value of the homestead with respect to all ad valorem taxes for the unremarried surviving spouse of a peace officer or firefighter who was killed in the line of duty; to provide qualifications; to provide procedures for obtaining such exemption; to provide for the taxes to which such homestead exemption is applicable; to provide for applicability of provisions relating to applications for and granting homestead exemptions in certain cases of property transfer from an administrator or executor with respect to certain base year assessed value homestead exemptions; to provide for referenda; to provide for effective dates; to provide for applicability; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1.

Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to tax exemptions, is amended in Code Section 48-5-40, relating to definitions regarding property tax exemptions, by striking paragraph (1) and inserting in its place a new paragraph (1) to read as follows:

"(1) 'Applicant' means a person who is:

(A)(i) A married individual living with his or her spouse;

~~(B)~~(ii) An individual who is unmarried but who permanently maintains a home for the benefit of one or more other individuals who are related to such individual or dependent wholly or partially upon such individual for support;

~~(C)~~(iii) An individual who is widowed having one or more children and maintaining a home occupied by himself and the child or children;

~~(D)~~(iv) A divorced individual living in a bona fide state of separation and having legal custody of one or more children, when the divorced individual owns and maintains a home for the child or children; or

~~(E)~~(v) An individual who is unmarried or is widowed and who permanently maintains a home owned and occupied by himself- or herself; and

(B) Who is a resident of this state as defined in paragraph (15) of Code Section 40-5-1, as amended."

PART II

SECTION 2.

Said part is further amended by adding between Code Sections 48-5-48.2 and 48-5-49 a new Code Section 48-5-48.3 to read as follows:

"48-5-48.3.

(a) As used in this Code section, the term:

(1) 'Ad valorem taxes' means all state ad valorem taxes and all county, county school district, municipal, and independent school district taxes for county, county school district, municipal, or independent school district purposes including, but not limited to, taxes to retire bonded indebtedness.

(2) 'Homestead' means homestead as defined and qualified in Code Section 48-5-40.

(b) Each resident of the state who is the unremarried surviving spouse of a peace officer or firefighter who was killed in the line of duty is granted an exemption on that person's homestead from all ad valorem taxes for the full value of that homestead.

(c) A person shall not receive the homestead exemption granted by subsection (b) of this Code section unless the person or person's agent files an affidavit with the tax commissioner of the county in which that person resides giving such information relative to receiving such exemption as will enable the tax commissioner to make a determination as to whether such person is entitled to such exemption. The tax commissioner shall provide affidavit forms for this purpose and shall require such information as may be necessary to determine the initial and continuing eligibility of the applicant for the exemption.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1. The exemption shall be automatically renewed from year to year as long as the applicant occupies the residence as a homestead. After a person has filed the proper affidavit as provided in subsection (c) of this Code section, it shall not be necessary to make application and file such affidavit thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under this Code section to notify the tax commissioner or the designee thereof in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by this Code section shall be in lieu of and not in addition to any other homestead exemption from ad valorem taxes.

(f) The exemption granted by this Code section shall apply to all taxable years beginning on or after January 1, 2007."

SECTION 3.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the Secretary of State shall call and conduct a referendum as provided in this section for the purpose of submitting Section 2 of this part to the electors of the State of Georgia for approval or rejection. The Secretary of State shall conduct that election on the date of the November, 2006, state-wide general election. The Secretary of State shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of each county in the state. The ballot shall have written or printed thereon the words:

"() YES Shall the Act be approved which provides a homestead exemption for the full value of the homestead with respect to all ad valorem taxes for the
() NO unremarried surviving spouse of a peace officer or firefighter who was killed in the line of duty?"

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, then Section 2 of this part shall become effective on January 1, 2007, and shall be applicable to all taxable years beginning on or after that date. If Section 2 of this part is not so approved or if the election is not conducted as provided in this section, Section 2 of this part shall not become effective and this part shall be automatically repealed on the first day of January immediately following that election date.

PART III SECTION 4.

Said part is further amended in Code Section 48-5-54, relating to applications for and granting homestead exemptions in certain cases of property transfer from an administrator or executor, by striking subsection (b) and inserting in its place a new subsection (b) to read as follows:

"(b) The failure to file properly the application and schedule shall not be cause for waiver of the exemption where such waiver arises because of an administrator's or executor's deed transferring the property to a surviving spouse. In such instances, the board of tax assessors shall give notice of its intent to deny the exemption as required by Code Section 48-5-49, and the surviving spouse may make application for the amount of homestead exemption to which such applicant is entitled within 30 days from the date of the notice by the board of tax assessors. In the case of a base year assessed value homestead exemption, as long as the surviving spouse otherwise meets the requirements specified for such exemption and makes proper application under this subsection, upon approval of such application the exemption shall be continued with

the same base year assessed value as had been established for the deceased spouse of such surviving spouse, unless otherwise provided by local law."

SECTION 5.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the Secretary of State shall call and conduct a special election as provided in this section for the purpose of submitting Section 4 of this part to the electors of the State of Georgia for approval or rejection. The Secretary of State shall conduct that special election on the date of the November, 2006, state-wide general election. The Secretary of State shall issue the call and conduct that special election as provided by general law. The Secretary of State shall cause the date and purpose of the special election to be published in the official organ of each county in the state once a week for two weeks immediately preceding the date of the referendum. The ballot shall have written or printed thereon the following:

- "() YES Shall the Act be approved which provides that, with respect to base year assessed value homestead exemptions, the surviving spouse of a deceased spouse who has been granted such a homestead exemption shall receive that exemption at the same base year valuation that applied to the deceased spouse so long as that surviving spouse continues to occupy the home as a residence and homestead?"
- () NO

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, then Section 4 of this part shall become effective on January 1, 2007, and shall apply to all taxable years beginning on or after that date. If Section 4 of this part is not so approved or if the election is not conducted as provided in this section, Section 4 of this part shall not become effective and this part shall be automatically repealed on the first day of January immediately following that election date.

PART IV

SECTION 6.

Except as otherwise provided in Section 3 of Part II of this Act and Section 5 of Part III of this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 7.

All laws and parts of laws in conflict with this Act are repealed.

Representative Day of the 163rd moved that the House adopt the report of the Committee of Conference on HB 81.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Hill, C.A	Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Dean	Y Houston	McClinton	Setzler
Barnes	Y Dickson	Y Howard, E	Y Meadows	Shaw
Y Bearden	Dodson	Y Hudson	Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Drenner	Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Smith, B
Y Bordeaux	Y England	Jamieson	Mosby	Y Smith, L
E Borders	E Epps	Y Jenkins	E Mosley	Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Bruce	E Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Golick	Y Lakly	Y Porter	Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Graves, T	E Lane, R	Ralston	Y Walker
Y Casas	E Greene	Y Lewis	Randall	Y Warren
Y Chambers	Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Lord	Y Reece, B	Y Wilkinson
Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Willard
Y Coan	Heard, J	Lucas	Y Reese	Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	E Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Mangham	Y Rogers	Wix
Y Cooper	Y Henson	Y Manning	Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the motion, the ayes were 132, nays 0.

The motion prevailed.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate insists on its substitute to the following bill of the House:

HB 1313. By Representatives Golick of the 34th, Willard of the 49th, Richardson of the 19th, Roberts of the 154th, Smith of the 129th and others:

A BILL to be entitled an Act to amend Title 8 of the O.C.G.A., relating to buildings and housing, Title 22 of the O.C.G.A., relating to eminent domain, and Title 36 of the O.C.G.A., relating to local government, so as to provide for the comprehensive revision of provisions regarding eminent domain; to provide for a short title; to change certain provisions regarding a housing authority's eminent domain power; to change certain language relating to blighted areas; to provide for a new definition of blighted areas; to change certain provisions regarding housing authorities' power of eminent domain; to amend Chapter 3 of Title 23 of the O.C.G.A., relating to equitable remedies and proceedings, so as to grant standing to municipalities and counties to seek certain equitable remedies and proceedings; to repeal conflicting laws; and for other purposes.

The Senate adheres to its substitute and has appointed a Committee of Conference on the following bill of the House:

HB 1059. By Representatives Keen of the 179th, Ralston of the 7th, Burkhalter of the 50th, Freeman of the 140th, Thomas of the 55th and others:

A BILL to be entitled an Act to amend Titles 16, 17, 35, and 42 of the O.C.G.A., relating respectively to crimes and offenses, criminal procedure, law enforcement officers and agencies, and penal institutions, so as to change provisions relating to sexual offenders; to change punishment provisions, registration requirements, and areas where certain offenders can reside as it affects sexual offenders; to change certain provisions relating to punishment of serious violent offenders and increase the mandatory minimum term of imprisonment for certain offenses; to require persons convicted of certain sexual crimes to receive a mandatory split sentence including a minimum sentence of imprisonment; to reorganize and change provisions related to the State Sexual Offender Registry; to provide for other related matters; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Hamrick of the 30th, Weber of the 40th, and Harp of the 29th.

The following Bill of the House was taken up for the purpose of considering the Senate's insistence on its position in substituting the same:

HB 1313. By Representatives Golick of the 34th, Willard of the 49th, Richardson of the 19th, Roberts of the 154th, Smith of the 129th and others:

A BILL to be entitled an Act to amend Title 8 of the O.C.G.A., relating to buildings and housing, Title 22 of the O.C.G.A., relating to eminent domain,

and Title 36 of the O.C.G.A., relating to local government, so as to provide for the comprehensive revision of provisions regarding eminent domain; to provide for a short title; to change certain provisions regarding a housing authority's eminent domain power; to change certain language relating to blighted areas; to provide for a new definition of blighted areas; to change certain provisions regarding housing authorities' power of eminent domain; to amend Chapter 3 of Title 23 of the O.C.G.A., relating to equitable remedies and proceedings, so as to grant standing to municipalities and counties to seek certain equitable remedies and proceedings; to repeal conflicting laws; and for other purposes.

Representative Fleming of the 117th moved that the House insist on its position in disagreeing to the Senate substitute to HB 1313 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Golick of the 34th, Willard of the 49th, and Fleming of the 117th.

By unanimous consent, SB 288 was postponed until the next legislative day.

By unanimous consent, SB 480 and SB 510 having been previously postponed, were again postponed until the next legislative day.

Representative Cooper of the 41st District, Chairman of the Committee on Health and Human Services, submitted the following report:

Mr. Speaker:

Your Committee on Health and Human Services has had under consideration the following Bills and Resolution of the House and Senate and has instructed me to report the same back to the House with the following recommendations:

HR 1732	Do Pass	SB 565	Do Pass
SB 109	Do Pass, by Substitute	SB 596	Do Pass, by Substitute
SB 423	Do Pass, by Substitute		

Respectfully submitted,
/s/ Cooper of the 41st
Chairman

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate adheres to its substitute and has appointed a Committee of Conference on the following bill of the House:

HB 1313. By Representatives Golick of the 34th, Willard of the 49th, Richardson of the 19th, Roberts of the 154th, Smith of the 129th and others:

A BILL to be entitled an Act to amend Title 8 of the O.C.G.A., relating to buildings and housing, Title 22 of the O.C.G.A., relating to eminent domain, and Title 36 of the O.C.G.A., relating to local government, so as to provide for the comprehensive revision of provisions regarding eminent domain; to provide for a short title; to change certain provisions regarding a housing authority's eminent domain power; to change certain language relating to blighted areas; to provide for a new definition of blighted areas; to change certain provisions regarding housing authorities' power of eminent domain; to amend Chapter 3 of Title 23 of the O.C.G.A., relating to equitable remedies and proceedings, so as to grant standing to municipalities and counties to seek certain equitable remedies and proceedings; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Wiles of the 37th, Balfour of the 9th, and Carter of the 13th.

Representative Keen of the 179th moved that the House do now adjourn until 10:00 o'clock, A.M., Monday, March 27, 2006, and the motion prevailed.

The Speaker announced the House adjourned until 10:00 o'clock, A.M., Monday, March 27, 2006.